

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND

3 WILLIAM C. BOND *

4 *

5 Plaintiff *

6 * Civil Action

7 v. *

8 * No. MJG 01-CV-2600

9 KENNETH BLUM, SR., *

10 et al. *

11 *

12 Defendants *

13 * * * * *

14

15 Pursuant to Notice, the videotape

16 deposition of WILLIAM C. BOND was taken on Friday,

17 November 16th, 2001, commencing at 2:04 p.m., at

18 the law offices of Adelberg, Rudow, Dorf & Hendler,

19 LLC, 600 Mercantile Bank & Trust Building, 2

20 Hopkins Plaza, Baltimore, Maryland 21201-2927,

21 before Sharon A. Beaty, Notary Public.

22

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25

26 Reported by: Sharon A. Beaty, CSR

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16 ALSO PRESENT: Kenneth Blum, Jr. and
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1 THE VIDEOGRAPHER: This video deposition
2 is being taken in accordance with Federal Rules of
3 Civil Procedure November 16th, 2001 at
4 approximately 2:04 p.m. We're at 2 Hopkins Plaza,
5 Baltimore, Maryland. Our stenographer is Sharon
6 Beaty, my name is Brian Barton; we are with Walls
7 Reporting.

8 The caption of the case is William C.
9 Bond, Plaintiff, versus Kenneth Blum, Junior, et
10 al., Defendants. The party giving notice of this
11 deposition is William McDaniel. Will the attorneys
12 please identify themselves and who they represent?

13 MR. McDANIEL: William McDaniel for
14 McDaniel, Bennett & Griffin.

15 MS. GRIFFIN: Caroline Griffin for
16 McDaniel, Bennett & Griffin.

17 MS. GOLDMAN: Kathryn Goldman for
18 William Slavin.

19 MR. DORF: Paul A. Dorf for Adelberg,
20 Rudow & Dorf.

21 MR. McKINNEY: Andrew McKinney for

1 Adelberg, Rudow, Dorf & Hendler.

2 MR. RADDING: Andrew Radding on behalf
3 of Adelberg, Rudow, Dorf & Hendler, LLC.

4 MR. MARTIN: Jerry Martin for Blum
5 Senior, Blum Junior and Hodgson.

6 MR. SCHULMAN: I'm Howard Schulman, I
7 represent Mr. Bond.

8 THE VIDEOGRAPHER: Our witness is
9 William C. Bond and will now be sworn in by the
10 court reporter.

11 WILLIAM C. BOND,
12 called for examination, having been duly sworn to
13 tell the truth, the whole truth and nothing but the
14 truth, testified as follows:

15 EXAMINATION BY MR. MCDANIEL:

16 Q Your name is William Bond; is that
17 correct?

18 A Yes, sir.

19 Q Mr. Bond, you were born February 2nd,
20 1964; am I right about that?

21 A Yes.

1 Q In Lexington, Kentucky?

2 A Yes.

3 Q When you were born your name was

4 Rovetar; is that correct?

5 THE WITNESS: Howard, am I taking the

6 Fifth on that?

7 MR. SCHULMAN: No, I think that's --

8 A Yes, that's true.

9 Q William Rovetar; is that right?

10 A Uh-huh.

11 Q And what was your father's name?

12 THE WITNESS: Howard, am I taking the

13 Fifth?

14 (Discussion held off the record.)

15 A Okay. Merko Rovetar.

16 Q All right. Mr. Rovetar is deceased; is

17 that correct?

18 A Yes.

19 MR. SCHULMAN: I should say, if you want

20 to confer to me about the exercise of a privilege,

21 you're on a mic so that you may need to remove the

1 mic to ask me.

2 THE WITNESS: Okay. Okay.

3 Q All right. You murdered Mr. Rovetar in
4 what, 1987?

5 MR. SCHULMAN: Mr. Bond is going to
6 assert his right to the Fifth Amendment.

7 MR. McDANIEL: All right.

8 MR. SCHULMAN: And I should state so the
9 record is clear, and it should be abundantly clear
10 through the papers in this proceeding, Mr. Bond is
11 presently charged with a crime of which the
12 manuscript, which is at issue in this case, is part
13 of the evidence as well as the background that
14 relates to this case, and he has a court date to be
15 tried on December 10th, 2001 in the Circuit Court
16 for Baltimore City as I think most of you are
17 aware, and given those parameters at this time he's
18 going to exercise his Fifth Amendment right
19 abundantly through the course of this deposition.

20 Q All right. Mr. Bond, you beat your
21 father, Merko Rovetar, to death with a hammer; is

1 that right?

2 MR. SCHULMAN: Fifth Amendment.

3 MR. RADDING: Can we hear the witness?

4 MR. McDANIEL: Yeah, the witness has to

5 exercise the privilege I'm afraid, Mr. Schulman.

6 It's a personal privilege, and first of all wait

7 until my question is finished, and second of all,

8 the witness then has to exercise it.

9 MR. SCHULMAN: Well, if that's the case,

10 then we're going to need to confer after each

11 question if I can't do that.

12 MR. McDANIEL: You can confer away, but

13 it's his privilege, not yours, and he has to assert

14 it.

15 A I'll take the Fifth Amendment.

16 Q Now, you, you beat your father senseless

17 with a hammer and then stuffed his body in the

18 truck of the car; is that right?

19 A Fifth Amendment.

20 Q And your father was still alive when you

21 put him in the trunk of the car; is that correct?

1 A I take the Fifth Amendment.

2 Q You were subsequently arrested and
3 charged as an adult in the murder of your father,
4 Merko Rovetar; is that right?

5 A That is incorrect.

6 Q Tell me how that statement is incorrect,
7 Mr. Bond.

8 A I'll continue to take the Fifth
9 Amendment.

10 Q Do you want to take that answer back, is
11 that what you want to do? Didn't you just --

12 MR. SCHULMAN: That's not what he said.

13 MR. McDANIEL: You just told me -- he
14 just answered my question.

15 Q Didn't you just waive your Fifth
16 Amendment rights, Mr. Bond, by answering that
17 question?

18 A No.

19 Q You intended to assert the Fifth to that
20 question?

21 A Yes.

1 Q Just, the answer just slipped out; is

2 that right? Did the answer just slip out?

3 (Phone ringing.)

4 MR. McDANIEL: Please, Mr. Bond. We're

5 in a deposition here. I ask you to turn your phone

6 off. Is it off? Is it off, Mr. Bond, or are you

7 going to take the Fifth on that?

8 (No response.)

9 Q Now, in connection with the proceedings

10 that were held in Ohio, you told a series of lies

11 under oath when you were questioned by the court;

12 is that correct?

13 A I'll take the Fifth Amendment.

14 Q I can't hear you, Mr. Bond.

15 A I'll take Fifth Amendment.

16 Q You told a fictionalized account to the

17 court while you were under oath in the hopes of

18 achieving a plea of temporary insanity, isn't that

19 right, Mr. Bond?

20 A I'll take Fifth Amendment.

21 Q You perjured yourself in the Ohio

1 proceeding, isn't that correct, Mr. Bond?

2 A I'll take Fifth Amendment.

3 Q Mr. Bond, have you ever been adjudged to
4 be insane?

5 A I'll take the Fifth Amendment.

6 Q Have you ever been adjudged to be
7 temporarily insane?

8 A I'll take the Fifth Amendment.

9 Q Are you taking any drugs today,
10 Mr. Bond?

11 A I'll take the Fifth Amendment.

12 Q Have you taken drugs in the past that
13 affected your ability to tell the truth?

14 A I'll take the Fifth Amendment.

15 Q Are you taking drugs today, Mr. Bond,
16 that affect your ability to tell the truth?

17 A I'll take the Fifth Amendment.

18 Q You've been diagnosed in the past as
19 suffering from mental disease; is that correct,
20 Mr. Bond?

21 A I'll take the Fifth Amendment.

1 Q You have entered a plea in court in
2 connection with the murder of your father of
3 temporary insanity; isn't that right, Mr. Bond?

4 A I'll take the Fifth Amendment.

5 Q Isn't it true, Mr. Bond, that you
6 represented to the court that you were temporarily
7 insane when you murdered your father?

8 A I'll take the Fifth Amendment.

9 Q As a result of the murder of your father
10 you were incarcerated in a mental institution;
11 isn't that correct, Mr. Bond?

12 A I'll take the Fifth Amendment.

13 Q You have repeatedly throughout your life
14 been under the care of a psychiatrist; isn't that
15 correct, Mr. Bond?

16 A I'll take the Fifth Amendment.

17 Q You have been under the care of a
18 psychiatrist because of various psychotic
19 conditions from which you suffer; is that right?

20 A I'll take the Fifth Amendment.

21 Q Mr. Bond, do you under-, did you

1 understand the nature of the oath you took today?

2 A Yes.

3 Q And what is your understanding of the

4 nature of that oath?

5 A I think it's self-evident.

6 Q Well, why don't you explain it to me?

7 I'd like you to explain to me your understanding of

8 what obligations the oath imposes upon you in this

9 deposition.

10 (No response.)

11 Q Are you waiting for something, Mr. Bond?

12 A I took the oath. I'm taking the oath, I

13 answered the question.

14 Q And I want you to explain to me your

15 understanding of the oath. Are you able to do

16 that, Mr. Bond?

17 (No response.)

18 Q Can we get a time on this, please? Mark

19 the time when the witness -- I'll ask the question

20 again.

21 Would you please explain, Mr. Bond, your

1 understanding of your obligations under the oath

2 that you took today?

3 A I'd like to confer with my attorney.

4 MR. RADDING: Only as to privilege.

5 Q You can only confer with your attorney

6 on grounds of privilege.

7 MR. SCHULMAN: I think he has answered

8 the question the best he could.

9 MR. McDANIEL: He has not answered this

10 question, Mr. Schulman.

11 MR. RADDING: And before you prompt him,

12 Mr. Schulman, let's excuse him from the room.

13 MR. SCHULMAN: All right. Could you

14 step out, please?

15 THE WITNESS: Sure.

16 THE VIDEOGRAPHER: Off the record at

17 2:12 p.m.

18 MR. RADDING: No, we'll stay on the

19 record.

20 MR. McDANIEL: We stay on the record.

21 MR. SCHULMAN: Stay on the record,

1 please.

2 THE VIDEOGRAPHER: We'll stay on the
3 record.

4 (Witness left deposition room.)

5 MR. RADDING: Mr. Schulman, don't, you
6 know, you, you're always cautioning people not to
7 prompt witnesses.

8 MR. SCHULMAN: You're absolutely
9 correct, I should not have spoken. I agree with
10 you.

11 MR. RADDING: That's right.

12 MR. SCHULMAN: I absolutely agree with
13 you. Now --

14 MR. RADDING: Also, also, Mr. Schulman,
15 don't nod yes or no to your client on various
16 answers, that's something else you shouldn't be
17 doing. If you got a privilege and you want to talk
18 to him about privilege, that's fine. Don't be
19 prompting him by gestures or words, okay? Thank
20 you.

21 MR. SCHULMAN: All right. What we'll do

1 then in terms of this question, I mean -- I think

2 he's answered the question.

3 MR. McDANIEL: No, he hasn't, Mr.

4 Schulman. I asked him what does he understand his

5 obligations to be under the oath. He has testified

6 that, he has taken the Fifth Amendment on whether

7 he's perjured himself in the past. And I'm going

8 to ask the court to draw an adverse inference from

9 that, that he has perjured himself in the past.

10 And I want to know what his understanding of the

11 oath is today, and I think I'm entitled to know

12 that before we proceed any further.

13 MR. SCHULMAN: Well, I think he answered

14 the question, so I mean that's --

15 MR. McDANIEL: Well, he has not answered

16 that question. My question is --

17 MR. MARTIN: The answer was the oath, he

18 thinks the oath was self-evident. We're entitled

19 to an answer that says what does he mean by that,

20 what does he mean by self-evident, what does he

21 think the oath means. This is not rocket science,

1 it's a pretty easy question to answer.

2 MR. SCHULMAN: Given counsel's proffer

3 I'm going to confer with my client concerning the

4 exercise of the privilege and I would suggest he's

5 probably going to take the Fifth Amendment.

6 THE VIDEOGRAPHER: Do you want to go off

7 the video record?

8 MR. McDANIEL: No. No, leave it on.

9 Let it roll.

10 (Pause in the proceedings.)

11 Q Okay. Mr. Bond, you've had a chance to

12 go out of the room and talk to your lawyer; is that

13 correct?

14 A Uh-huh.

15 Q You have to say yes or no, please.

16 A Yes.

17 Q Now, would you explain to me what you

18 understand your obligations to be under the oath

19 here today?

20 A I'm going to take the Fifth Amendment.

21 Q Mr. Bond, you never attended college; is

1 that correct?

2 A No.

3 Q And you never finished high school; is

4 that correct?

5 A No.

6 Q What year -- I'm not correct, you did

7 finish high school?

8 A I answered your question.

9 Q Did you finish high school or not?

10 A Yes.

11 Q And what year did you graduate from high

12 school?

13 A 1982.

14 Q What high school was that?

15 A I'll take the Fifth Amendment.

16 Q You're taking the Fifth Amendment on

17 where you went to high school?

18 A Uh-huh.

19 Q Yes or no, please.

20 A Yes.

21 Q How did you do in chemistry? Are you

1 going to take the Fifth on that?

2 A Not -- it was not my favorite subject.

3 Q How old were you when you graduated from
4 high school?

5 A 18.

6 Q And where were you living when you
7 graduated from high school?

8 A I'll take the Fifth on that.

9 MR. RADDING: Would you please speak up?

10 We're having terrible trouble at this end of the
11 table hearing.

12 (Exhibit 1 marked.)

13 Q Mr. Bond, you have in front of you

14 what's been marked as Exhibit 1 for your

15 deposition. Do you have that in front of you?

16 A It appears to be.

17 MR. RADDING: Can you please speak up?

18 THE WITNESS: It appears to be.

19 Q Now, Exhibit 1 is a series of photocopy

20 documents pertaining to your application for the

21 purchase of guns; is that correct?

1 MR. SCHULMAN: I'd like to speak to
2 Mr. Bond about the exercise of the privilege. Can
3 you take it off and go outside?

4 (Pause in the proceedings.)

5 A I'll be taking the Fifth Amendment on
6 that.

7 Q All right. If you look at the last page
8 of this document, Mr. Bond, there's a series of
9 questions that appear in here. Do you see that?

10 A I'm taking the Fifth Amendment on it.
11 There's no point in me looking at the document.

12 Q If you look at question number 7,
13 Mr. Bond, it asks you whether you had ever spent
14 more than 30 consecutive days in any medical
15 institution for treatment of a mental disease,
16 disorder or disorders. Is that what that says?

17 A I'll be taking the Fifth Amendment.

18 Q Now, you answered no to that question;
19 isn't that right, Mr. Bond?

20 A Fifth Amendment.

21 Q And that was a lie, now, wasn't it,

1 Mr. Bond?

2 A Fifth Amendment.

3 Q You in fact had been confined for more
4 than 30 consecutive days to a medical institution
5 for treatment of mental disorders; isn't that
6 correct?

7 A Fifth Amendment.

8 Q And you executed this questionnaire that
9 we're looking at, Exhibit 1, under oath, under
10 penalty of perjury, didn't you, Mr. Bond?

11 A Fifth Amendment.

12 Q In question number 8 it asked whether
13 you had ever been adjudicated mentally defective or
14 have you been committed to a mental institution.
15 Do you see that?

16 A Fifth Amendment.

17 Q Speak up, please, Mr. Bond.

18 A Fifth Amendment.

19 Q You also answered no to that question,
20 didn't you?

21 A It's a rhetorical question.

1 Q It's not a rhetorical question. I asked

2 you whether you answered no to that question.

3 A Fifth Amendment.

4 Q Now, in fact you had been adjudicated to

5 be mentally defective; isn't that true, Mr. Bond?

6 A Fifth Amendment.

7 Q And you had been confined to a mental

8 institution; isn't that right?

9 A Fifth Amendment.

10 Q Mr. Bond --

11 MR. RADDING: Could you speak up?

12 Q -- you can't be heard, you're under

13 oath, and this is a big room, there's a lot of

14 people here, you have to speak up.

15 A Fifth Amendment.

16 Q And that answer that you gave in

17 response to question number 8 was also false,

18 wasn't it, Mr. Bond?

19 A Fifth Amendment.

20 Q And you answered that question under

21 penalty of perjury as well; isn't that true,

1 Mr. Bond?

2 A Fifth Amendment.

3 Q In fact, Mr. Bond, you have repeatedly
4 given knowingly false testimony under oath; isn't
5 that right?

6 A Fifth Amendment.

7 Q You have given such knowingly false
8 testimony in the state of Maryland within the last
9 four years; isn't that correct, Mr. Bond?

10 A Fifth Amendment.

11 Q Just like you gave knowingly false
12 testimony in connection with proceedings against
13 you arising out of the murder of your father; isn't
14 that right?

15 A Fifth Amendment.

16 (Exhibit 2 marked.)

17 Q Mr. Bond, do you have in front of you
18 what's been marked as Exhibit 2 for your
19 deposition? Do you?

20 A Yes, it appears so.

21 Q Now, Mr. Bond, if you look at the last

1 two pages of that, it's a list of documents that
2 you were required -- excuse me, Mr. Schulman, I've
3 got my exhibits here -- that you are required --

4 MR. SCHULMAN: Can I turn this so I can
5 see you, please? I can hear you better. I would
6 like to hear you.

7 MR. McDANIEL: Just slide it right
8 there.

9 MR. SCHULMAN: Thank you.

10 Q The documents you were required to bring
11 with you today; is that correct, Mr. Bond?

12 A I'm unclear what you're asking me.
13 You're asking me to look at the page, I'm looking
14 at the page.

15 Q And this is a listing of documents you
16 were to bring with you today; is that right?

17 A It's a list of documents you're asking
18 me to bring today.

19 Q And number one is the original
20 manuscript and all photocopies or other copies
21 thereof; is that correct?

1 A It appears that's what it says.

2 Q Did you bring that with you?

3 MR. SCHULMAN: I'm going to ask the
4 witness to step out, please.

5 MR. McDANIEL: This is a privilege
6 discussion?

7 MR. SCHULMAN: I'm not going with him.

8 MR. RADDING: I'm just going to object.

9 THE WITNESS: I can't walk with all
10 these bags here. Do you mind moving the bags,
11 please?

12 MR. McDANIEL: Well, let me move the
13 chair back and you can go by there.

14 MR. RADDING: No, Mr. Bond, you can go
15 around this way, there are no bags.

16 (Witness left deposition room.)

17 MR. McDANIEL: Okay. He's out.

18 MR. SCHULMAN: All right. We have
19 brought with us today a box of documents for each
20 of the parties, we have also brought a formal
21 response to the request, a Rule 34 response, and I

1 would suggest you might want to take a look at
2 those particular documents as well as the response.

3 MR. McDANIEL: Well, can you pass around
4 that, what you call the Rule 34 response?

5 MR. SCHULMAN: Yes. Sure.

6 MR. McDANIEL: As to the documents
7 themselves, I want to ask him what he brought in
8 response to each one of these.

9 MR. SCHULMAN: Here's one for you. One
10 for you. One for you.

11 MR. MARTIN: Kathryn right there.

12 MR. SCHULMAN: Let me see who we got.

13 One, two, three and four. And let me make the
14 additional statement that Mr. Bond is presenting
15 the documents enumerated in the response.

16 Additionally, I as his counsel, although I don't
17 interpret the Rule 34 request and I think that's
18 what governs this, to encompass what would be
19 documents otherwise going to be presented at trial
20 on Tuesday, but out of an abundance of caution I'm
21 presenting those documents which by and large

1 consist of a file that I obtained from Mrs. Bond.

2 MR. McDANIEL: Well, Mr. Schulman, what

3 I propose, since this is all new to us, is that we

4 adjourn Mr. Bond's deposition and allow me to look

5 at these and then you can depose Mr. Blum while I

6 do that and then we can reconvene to finish

7 Mr. Bond.

8 MR. SCHULMAN: That's acceptable.

9 MR. MARTIN: Okay.

10 MR. RADDING: Okay.

11 MR. SCHULMAN: Yes.

12 MR. McDANIEL: Well, then we will now go

13 off the record in the deposition of William Bond to

14 resume at the conclusion of the deposition of

15 Kenneth Blum, Senior.

16 THE VIDEOGRAPHER: Off the record at

17 2:26 p.m.

18 (Videotape deposition suspended at 2:26 p.m.)

19 *****

20 THE VIDEOGRAPHER: 3:05 p.m. We're back

21 on the record.

1 MR. SCHULMAN: I'd like to make a
2 statement for the record, and I'm going to ask
3 Mr. Bond to step out while I make it.

4 (Witness left the deposition room.)

5 MR. SCHULMAN: Actually I'm going to
6 make two statements. The first is an observation I
7 made and I just want to diffuse any potential for
8 later issues. But on the way back into the room
9 about three or four minutes ago I heard Kenneth
10 Blum, Junior say to Mr. Bond in a matter that
11 looked aggressive to me, don't start, and my
12 observation of Mr. Bond at that time was that he
13 was merely coming into the area here. Now, I don't
14 want to get into issues that, you know, but it
15 appeared to me that Mr. Bond was doing nothing
16 wrong, he was doing nothing aggressive. I just
17 want to be clear that I would like to keep those
18 two individuals apart. I know there's no love lost
19 by Kenneth Blum, Junior. I observed him after the
20 incident occurred with an angry look on his face,
21 and he is basically at this point a nominal party

1 in, given my discussions with Mr. Martin, and he's

2 in effect going to be dismissed from this case, and

3 I just don't think that --

4 MR. MARTIN: What do you mean in effect?

5 He either is or he isn't.

6 MR. SCHULMAN: He is going to be

7 dismissed from this case.

8 MR. MARTIN: Okay.

9 MR. RADDING: All right. You made your
10 point.

11 MR. SCHULMAN: And the letter is on its
12 way, but okay.

13 MR. RADDING: You've made your point.
14 Can we go to the next point?

15 MR. SCHULMAN: All right. The second
16 point is I'm going to go out and confer with
17 Mr. Bond, but let me tell you for your own
18 organization to the extent, and obviously the
19 examination is yours to make, but he's going to
20 assert the Fifth Amendment in all areas except
21 for --

1 MR. RADDING: You can keep talking.

2 MR. SCHULMAN: The door is open,

3 Mr. Bond is standing right outside the door. Now

4 the door is closed. He's going to assert the Fifth

5 Amendment in most areas that I anticipate that

6 counsel is going to make inquiry except as follows:

7 The relationship with Mr. Grossbart, the

8 relationship with Mr. Pessin, as well as areas

9 relating to the details and background on the

10 manuscript, he will, if asked, identify the

11 manuscript, and in terms of questions related to

12 other documents, their existence or what he brought

13 or what he didn't bring, he's going to assert the

14 Fifth Amendment for the reasons stated in the

15 document that I've served you with called

16 Plaintiff's Response to Defendants' Request for

17 Production of Documents.

18 MR. McDANIEL: Okay. Can we get

19 started?

20 MR. SCHULMAN: Yes. Except I want to

21 tell him, you know, I'm going to confer with him

1 about the privilege just so that he understands.

2 MR. McDANIEL: We're off the record.

3 THE VIDEOGRAPHER: Off the record at
4 3:09.

5 (Pause in the proceedings.)

6 THE VIDEOGRAPHER: 3:10 p.m. We're back
7 on the record.

8 MR. SCHULMAN: Is this better for the --

9 THE VIDEOGRAPHER: Yes, sir. Thank you.

10 MR. SCHULMAN: All right. And he will
11 also identify the enumerated documents that have
12 been produced in terms of the ones specified in the
13 Plaintiff's Response to Defendants' Request for
14 Production of Documents.

15 (Witness returned to deposition room.)

16 MR. McDANIEL: Back on the record.

17 THE VIDEOGRAPHER: Back on the record.

18 MR. McDANIEL: Would you mark this,
19 please?

20 (Exhibit 3 marked.)

21 Q Mr. Bond, you have in front of you

1 what's been marked as Exhibit 3; is that correct?

2 A Yes.

3 Q Would you turn to the last two pages of

4 Exhibit 3? The last two pages of Exhibit 3 are

5 photocopies of a certificate of registration with

6 the copyright office; is that right?

7 A It appears to be so.

8 Q And you filled -- do you recognize your

9 signature on the second page of that registration?

10 A Uh-huh. Yes.

11 Q Yes or no?

12 A Yes.

13 Q Did you put, did you type up the

14 information that's contained on these two pages,

15 which are the last two pages of Exhibit 3?

16 A No.

17 Q Who did?

18 A Frank Morgan.

19 Q Who is Frank Morgan?

20 A He's an attorney that works for me.

21 Q And where is Mr. Morgan based?

1 A Hodes, Ulman, Pessin & Katz.

2 Q And then you signed the document as the
3 person registering the copyright; is that correct?

4 A Yes.

5 Q Did you file any documents with the
6 copyright office that require -- well, let me ask
7 you this first. Did you deposit a copy of the
8 book, manuscript that you wrote with the copyright
9 office? Yes or no.

10 A Did I?

11 Q Yes.

12 A No.

13 Q Did someone do it on your behalf?

14 A Yes.

15 Q Who did that?

16 A Frank Morgan.

17 Q And did Mr. Morgan or you file any
18 documents to maintain that copy of the manuscript
19 in confidence?

20 A I don't understand the question.

21 Q Well, you understand, don't you, Mr.

1 Bond, that by filing this document with the
2 copyright office it became a public document, don't
3 you understand that? Can you answer my question?

4 A I don't really know the copyright laws.

5 Q All right. So you don't know one way or
6 the other?

7 A I gave it to the lawyer to handle.

8 Q Okay. You don't know one way or the
9 other whether by filing this manuscript with the
10 copyright office it became a public document?

11 THE WITNESS: Can I take the privilege
12 on this?

13 MR. RADDING: Did the reporter get that?

14 MR. SCHULMAN: Don't, don't communicate
15 with me in the presence of opposing counsel. You
16 see they'll be quick to jump on it.

17 Can you step out for a minute?

18 (Witness left the deposition room.)

19 MR. MARTIN: Before you say anything,
20 can I just say, when he says something like that,
21 why don't you just tell him no, you can't take the

1 Fifth on that. There's no possible way he could
2 take the Fifth Amendment on that question. He can
3 either say he knows or he doesn't know.

4 MR. SCHULMAN: I think he can take the
5 Fifth Amendment on practically anything he wants.

6 MR. McDANIEL: Mr. Schulman.

7 MR. SCHULMAN: But anyway.

8 MR. McDANIEL: What's your point here?
9 There's a question pending, I'd like an answer to
10 it. You sent the witness out of the room, now what
11 do you want to talk about?

12 MR. SCHULMAN: One of the documents I
13 brought with me but neglected to hand you before
14 when you took a break to look at the documents was
15 the deposit, as I understand what's the deposit.
16 Now, do you want me to give it to you? I'm just
17 trying to be cooperative.

18 MR. McDANIEL: I want an answer to my
19 question. When I want that I'll get to it, okay?

20 MR. SCHULMAN: All right.

21 MR. McDANIEL: Bring your witness back

1 in.

2 MR. SCHULMAN: But I'm producing this to
3 you as part of the document production. If you
4 want to use it, fine, if you don't --

5 MS. GOLDMAN: Is that one copy of the
6 deposit copy?

7 MR. SCHULMAN: It's one copy.

8 MR. McDANIEL: Bring your witness back,
9 would you, Mr. Schulman? Can you do that?

10 MR. SCHULMAN: Oh, yes. I'm sorry.

11 (Pause in the proceedings.)

12 (Witness entered deposition room.)

13 MR. McDANIEL: We're on the record?

14 THE VIDEOGRAPHER: Yes.

15 Q Now, the question is, Mr. Bond, do you
16 understand that by filing that, a copy of your
17 manuscript with the depository it became a public
18 document?

19 A I don't think it became a public
20 document.

21 Q And why don't you think that?

1 A Because it was masked when it was
2 copywritten.

3 Q Did you file any documents with the
4 copyright office to maintain this document in
5 confidence?

6 A Yes.

7 Q What documents did you file?

8 A The, the book.

9 Q Just the book?

10 A Right.

11 Q Did you file any kind of form requesting
12 that the document, that the book be maintained in
13 confidence?

14 A Frank, Frank Morgan took care of it, I
15 don't really know what the details are.

16 Q Do you know whether any form was filed
17 on your behalf asking the copyright office to keep
18 the book confidential?

19 A I do not know.

20 Q Mr. Bond, I want to show you what was
21 marked at the deposition of Mr. Grossbart as

1 Exhibit Number 4 and ask you to take a look at

2 that, please.

3 MR. SCHULMAN: Are you going to mark it

4 in this --

5 MR. McDANIEL: No. It's marked in Mr.

6 Grossbart's deposition as Exhibit 4.

7 MR. SCHULMAN: Can you step out, please?

8 (Witness left the deposition room.)

9 MR. SCHULMAN: I'm going to object in

10 that the document you're showing the witness has a

11 handwritten note that says E-X 4 --

12 MR. McDANIEL: It was put on there by

13 the court reporter, Mr. Schulman, at the --

14 MR. SCHULMAN: I don't know that.

15 MR. McDANIEL: Well, she'll tell you

16 that if you ask her. Is that right?

17 THE REPORTER: Yes.

18 MR. McDANIEL: Okay.

19 MR. SCHULMAN: Could we have some other

20 identifying notation?

21 MR. McDANIEL: Mr. Schulman, it's the

1 affidavit of your client.

2 MR. SCHULMAN: I understand that, but I
3 want the record clear. I'm not disputing what it
4 is.

5 MR. McDANIEL: It's my record, I'll make
6 it. If it's not clear I'll suffer the
7 consequences. If you don't like it, you can fix it
8 on cross-examination. You're just obstructing this
9 deposition.

10 MR. SCHULMAN: I object.

11 THE VIDEOGRAPHER: Off the record at
12 3:18.

13 (Pause in the proceedings.)

14 THE VIDEOGRAPHER: 3:18 p.m. We're back
15 on the record.

16 MR. McDANIEL: Madam Court Reporter,
17 would you hand the witness what was marked at Mr.
18 Grossbart's deposition as the affidavit as Exhibit
19 Number 4, please?

20 MR. SCHULMAN: Objection.

21 Q Mr. Bond, do you have in front of you

1 the affidavit of William Bond?

2 A Yes, it appears so.

3 Q Would you look at page 4 and tell me

4 whether that's your signature?

5 A Yes.

6 Q And do you have any doubt that this is

7 the affidavit you filed, a copy of the affidavit

8 you filed in this case?

9 A No.

10 Q Mr. Bond, in this affidavit you stated

11 that you were providing this information under the

12 penalty of perjury. Do you see that?

13 A Yes.

14 Q Did you have an understanding of what

15 that meant when you, when you subscribed to this

16 affidavit under penalty of perjury?

17 MR. SCHULMAN: I would like to confer

18 with Mr. Bond outside.

19 MR. RADDING: On privilege issue?

20 MR. SCHULMAN: Yes.

21 THE WITNESS: Let's go.

1 THE VIDEOGRAPHER: Off the record at

2 3:19.

3 (Pause in the proceedings.)

4 THE VIDEOGRAPHER: 3:20 p.m. We're back

5 on the record.

6 Q Can you answer my question?

7 A I don't even recollect what the question

8 was.

9 Q Mr. Bond, can you speak up? I'm sitting

10 about 10 feet away from you and I can't hear you,

11 and there's many other people sitting further down.

12 A Can you repeat the question, please?

13 Q Yeah. The question was when you

14 subscribed to this affidavit under penalty of

15 perjury what did you understand that to mean?

16 A I don't think that's what you asked me

17 before.

18 Q Well, you just told me you didn't

19 remember what I asked you before, Mr. Bond, didn't

20 you? Which is it, you remember or you don't

21 remember? You're not just playing games with me,

1 are you, Mr. Bond? Are you?

2 MR. SCHULMAN: Don't respond to his
3 question.

4 Q Can you answer the question I just asked
5 you or do you want to take the Fifth?

6 A I'm going to take the Fifth.

7 Q The truth is, isn't it, Mr. Bond, that
8 you executed this affidavit without regard to the
9 penalty of perjury; isn't that right?

10 A I'll take the Fifth Amendment.

11 Q Isn't it true, Mr. Bond, that this
12 affidavit contains from beginning to end a series
13 of lies by you; isn't that right?

14 A I'll take the Fifth.

15 Q Let's look at the first page of the Bond
16 affidavit. You state that in the mid or late
17 1980s, in paragraph 2, you retained the services of
18 Robert Grossbart, an attorney, to draft a will for
19 me and to do my income tax returns. Do you see
20 that?

21 A Yes.

1 Q When was it you retained Mr. Grossbart

2 to do income tax returns for you?

3 A 1986.

4 Q And was he an attorney at that time?

5 A No.

6 Q So when you say you retained the

7 services of Robert Grossbart, an attorney, to do my

8 income tax returns, that was false, wasn't it,

9 Mr. Bond?

10 A No, because he continued to do the tax

11 returns when he became an attorney.

12 Q That's not what you say here though,

13 Mr. Bond, you say you retained him. In the mid or

14 late 1980s I retained the services of Robert

15 Grossbart, an attorney, to do my income tax

16 returns. Isn't that what you say? Isn't it?

17 A That's what I say there.

18 Q And isn't that false? When you retained

19 Mr. Grossbart he wasn't, to do income tax returns

20 for you, he was not an attorney, was he, Mr. Bond?

21 A When I first retained Robert Grossbart

1 he was an accountant.

2 Q Right. And your affidavit is false when
3 it says that when you, that you retained Mr.
4 Grossbart, an attorney, to do my income tax return.

5 Isn't that false, Mr. Bond?

6 MR. SCHULMAN: Objection.

7 Q Go ahead and answer.

8 A Boy, that's a tough one. That's a tough
9 one. I mean he worked at a law firm.

10 Q In 1986, Mr. Bond, Mr. Grossbart did not
11 work at a law firm, did he?

12 A Oh, no, he did.

13 Q What law firm was that?

14 A Engel & Engel.

15 Q When did he start there?

16 A I don't know, but that's where I went to
17 see him.

18 Q You never went to his accountant office?

19 A No, that's where his office was.

20 Q You never went to an accounting office
21 that he had elsewhere?

1 A No.

2 Q You only met with him at Engel & Engel?

3 A Correct.

4 Q And at Engel & Engel he did your tax

5 returns?

6 A Yes.

7 Q And he did them as an attorney?

8 A Well, obviously he did them as an

9 accountant.

10 Q Well, you say here you retained the

11 services of Robert Grossbart, an attorney, to do my

12 income tax returns. Isn't that what you said?

13 A It appears that's what I said.

14 Q Well, there's no doubt that's what you

15 said, is it, Mr. Bond?

16 A It appears there's no doubt to that.

17 Q And you don't say here you retained

18 Robert Grossbart, an accountant, do you? Do you?

19 A I think it's self-evident.

20 Q You don't say here you retained Robert

21 Grossbart, an accountant, do you, Mr. Bond?

1 A I think it's self-evident.

2 Q Would you mind answering my question yes

3 or no, please? You don't say in this affidavit

4 that you retained Mr. Grossbart as an accountant,

5 do you?

6 A That's correct.

7 Q And the reason that you put in attorney

8 and not accountant is because you're trying to

9 create the false impression that Mr. Grossbart was

10 your lawyer when he did your income tax returns?

11 MR. SCHULMAN: Objection.

12 Q Isn't that what you're trying to do?

13 MR. SCHULMAN: Objection.

14 A No.

15 Q Now, in 1986 when you say you retained

16 Mr. Grossbart to do your income tax returns he was

17 not a lawyer, correct?

18 A That's correct.

19 Q And when he drafted a will for you he

20 was not a lawyer; is that correct?

21 A I don't think so.

1 Q Well, why do you state here that you
2 retained the services of Robert Grossbart, an
3 attorney, to draft a will for me? Isn't that
4 false?

5 A Excuse me. You just said a double
6 negative. You said that he was, was not. He was
7 an attorney when he did the will. Why would I have
8 an accountant do a will?

9 Q When was it he did the will for you,
10 sir?

11 A I don't have it in front of me.

12 Q Well, I think you do, Mr. Bond. This is
13 your -- you looked at this affidavit before it was
14 filed, didn't you?

15 A Yes.

16 Q And you looked at the attachments to it
17 before it was filed, didn't you?

18 A Yes.

19 Q And you looked at the attachment that
20 says send you a bill for preparation of will and
21 marital living will? Did you look at that?

1 A Yes.

2 Q And it's dated what day, sir?

3 A Do you know which page that is?

4 Q Yeah, it's right after your signature

5 page, Mr. Bond.

6 A Okay.

7 Q What's the date?

8 A June 11th, 1987.

9 Q So the will was prepared by June 11th,
10 1987, wasn't it?

11 A Uh-huh.

12 Q Yes or no, sir?

13 A It appears so.

14 Q And Mr. Grossbart was not admitted to
15 the bar at that time, was he, Mr. Bond?

16 A I would have no knowledge of when he was
17 admitted to the bar or wasn't. I mean it's clearly
18 on legal stationery from an attorney.

19 Q Well, Mr. Bond, you testified under oath
20 in this affidavit that you retained an attorney to
21 draft a will for you. Now you're telling us you

1 had no idea whether he was an attorney or not; is
2 that right?

3 MR. SCHULMAN: Objection.

4 A If you go to a law firm and you have a
5 guy write a will for you, you would assume that
6 he's an attorney.

7 Q You knew that Mr. Grossbart was a law
8 student, didn't you, Mr. Bond?

9 A I knew that he was an accountant and
10 then he was in law school and he was becoming, or
11 passing the bar or whatever you call it.

12 Q And you knew when you had him do the
13 will for you that he had not passed the bar, didn't
14 you?

15 A I don't think that's so.

16 Q You have no idea when Mr. Grossbart
17 became an attorney, isn't that correct, Mr. Bond?

18 A Well, I highly doubt I would have asked
19 him to do a legal document if I didn't think he
20 could execute it.

21 Q Answer my question, please, sir.

1 A I just answered it.

2 Q You have no idea when Mr. Grossbart
3 became an attorney; isn't that correct?

4 A Do I have any idea? No, I do not have
5 any idea the exact date.

6 Q Yet you stated under oath that when you
7 retained him in the mid or late '80s he was an
8 attorney, correct? Isn't that what you said?

9 A I'm also assuming all of you are
10 attorneys, but it could turn out you're not an
11 attorney, it's a little silly.

12 Q It may be, Mr. Bond, but I want an
13 answer to my question.

14 A I answered it.

15 Q In your affidavit you stated that when
16 you retained Mr. Grossbart he was an attorney, and
17 the fact is you don't know whether he was, don't
18 you?

19 A No, but he certainly told me he passed
20 the bar.

21 Q Well, when did he tell you that?

1 A In 1987 sometime.

2 Q Before June 11th?

3 A I couldn't tell you.

4 Q When did you retain him to draw a will?

5 A Well, probably before this bill came
6 out.

7 Q And he told you before, when you
8 retained him, that he was an attorney?

9 A I do not recollect the details of how
10 the will got done.

11 Q Well, my question to you, Mr. Bond, is
12 whether Mr. Grossbart told you when you retained
13 him that he was an attorney, to do the will?

14 A I do not recollect the details of the
15 will.

16 Q Well, Mr. Bond, you swore under oath in
17 this affidavit that Mr. Grossbart was an attorney
18 when you retained him, right? The truth is you
19 don't know whether he was or not; isn't that
20 correct?

21 A He certainly is an attorney today.

1 Q That's not my question, Mr. Bond, is it?

2 When you executed this affidavit you didn't know

3 whether Mr. Bond was an attorney, Mr. Grossbart was

4 an attorney when you retained him, did you?

5 A I've already said he wasn't an attorney

6 when I first hired him, he was an accountant.

7 Q Why did you say then in this declaration

8 that he was an attorney when you first hired him?

9 A If anything it's an oversight. He was

10 an accountant and an attorney.

11 Q An oversight you made under oath? Is

12 that right, Mr. Bond?

13 A It appears so.

14 Q Now, you go on to say in the next

15 sentence Mr. Grossbart also assisted me in

16 developing a manuscript. Do you see that?

17 A Uh-huh.

18 Q Yes or no, please.

19 A Yes.

20 Q Now, what did you mean by he assisted

21 you in developing a manuscript?

1 A He told me that he had a relative that
2 was an entertainment executive in California and
3 that he would be interested in pitching the story
4 to the person.

5 Q Well, you told him that you'd murdered
6 your father, right? You told that to Mr.
7 Grossbart?

8 MR. SCHULMAN: Objection.

9 MR. McDANIEL: Grounds?

10 MR. SCHULMAN: Let's go outside.

11 THE VIDEOGRAPHER: Off the record at
12 3:30.

13 (Pause in the proceedings.)

14 THE VIDEOGRAPHER: 3:31 p.m., we're back
15 on the record.

16 A I'm taking the Fifth to your question.

17 Q Well, you told Mr. Grossbart that you
18 wanted to write a book; isn't that right?

19 A Yeah.

20 Q And you told Mr. Grossbart that you had
21 murdered your father in Ohio?

1 A I'm going to take the Fifth on that.

2 Q You told Mr. Grossbart that the topic of
3 your book was your murder of your father?

4 A I'm going to take the Fifth on that.

5 Q You told Mr. Grossbart that you wanted
6 his help in marketing the book; isn't that right?

7 A I'm going to take the Fifth on that.

8 Q Now, did you retain Mr. Grossbart as an
9 attorney to help you market the book?

10 A I'm going to take the Fifth on that.

11 Q Did you retain --

12 MR. SCHULMAN: Let's step outside.

13 MR. McDANIEL: No, no. He's -- hold on,
14 Mr. Schulman, please. He's answered that question,
15 there's no pending question. What do you want to
16 step outside for?

17 MR. SCHULMAN: Ask your next question
18 then.

19 Q Did you tell Mr., did you retain Mr.
20 Grossbart as an attorney to help you develop --

21 MR. SCHULMAN: Oh, wait a minute, I can

1 step outside with him on that. Let's step outside.

2 MR. McDANIEL: Well, I haven't finished
3 my question.

4 MR. SCHULMAN: I'm talking about the
5 last question.

6 MR. McDANIEL: He answered it.

7 MR. RADDING: Is this a privilege
8 discussion, Mr. Schulman?

9 MR. SCHULMAN: Absolutely.

10 MR. McDANIEL: He answered the last
11 question, Mr. Schulman.

12 MR. SCHULMAN: Go on out for a second.

13 (Witness left the deposition room.)

14 MR. MARTIN: Howard, can you have your
15 privilege discussions, like lean over to him in the
16 corner instead of going outside?

17 MR. SCHULMAN: No, we can't do that
18 because you're all in here, we've got microphones
19 on, and --

20 MR. MARTIN: You take the microphone
21 off, lean over in the corner and whisper.

1 MR. SCHULMAN: No, I'm not going to do
2 that because it could be overheard.

3 MR. MARTIN: Okay.

4 MR. SCHULMAN: If you don't want me to
5 instruct the witness not to answer on the Fifth
6 Amendment, that's the way I suggest we do it,
7 that's the way I was going to do it to begin with,
8 but you don't want to do it that way so we have to
9 do it this way. I wish I could do it that way.

10 MR. McDANIEL: No, nobody said that.

11 MR. MARTIN: They just don't want you to
12 do it for him. All you need to do is turn to him
13 and say take the privilege, that's all you need to
14 do, and then he has to say that.

15 MR. SCHULMAN: And you want to hear him
16 say that?

17 MR. RADDING: Yes.

18 MR. MARTIN: Yes.

19 MR. SCHULMAN: All right. We'll do it
20 that way.

21 MR. RADDING: That's how it works.

1 MR. McDANIEL: That's how, that's the
2 way it's always done.

3 MR. SCHULMAN: Well, that's not the way
4 it always works, but we'll do it the way it works.

5 MR. MARTIN: Go tell him that's what
6 we're going to do when he comes back, please.

7 MR. SCHULMAN: Okay, we'll do it that
8 way. We'll wait for Mr. Radding to finish his call
9 then.

10 MR. RADDING: No, I'm getting Mr. Dorf
11 on the phone so he can listen to the rest of the
12 deposition.

13 MR. MARTIN: What, is he in his car?

14 MR. RADDING: He's on the way to the
15 airport.

16 MR. MARTIN: Oh, he's on the way to
17 Florida.

18 (Discussion held off the record.)

19 THE VIDEOGRAPHER: 3:36 p.m. We're back
20 on the record.

21 MR. McDANIEL: Can we get the witness

1 back, please?

2 MR. SCHULMAN: Sure.

3 (Witness returned to deposition room.)

4 THE VIDEOGRAPHER: One moment, please.

5 3:37 p.m, we're back on the record.

6 MR. McDANIEL: Is there a pending

7 question?

8 (The reporter read the record as requested.)

9 Q Did you retain Mr. Grossbart, Mr. Bond,

10 as an attorney to assist you in developing a

11 manuscript?

12 MR. SCHULMAN: You may answer.

13 A Okay. Yes.

14 Q And how as an attorney was he going to

15 assist you in developing a manuscript?

16 A He was going to do what lawyers do, he

17 had some contacts, he was going to protect my

18 interest, he was going to, you know, look at

19 whatever was being sold, et cetera.

20 Q Well, what is it that lawyers do when

21 they develop a manuscript?

1 A A lot of agents are lawyers.

2 Q I didn't ask you that question,

3 Mr. Bond. I asked you what it is lawyers do.

4 A You did just ask me that question.

5 Q I asked you what it is lawyers do when
6 they develop a manuscript.

7 A They would try to sell it.

8 Q Now, how is that legal representation,
9 trying to sell a manuscript?

10 A I'm not an expert to tell you that.

11 Q Well, you were hiring Mr. Grossbart to
12 perform legal services in connection with your
13 manuscript?

14 A As an attorney Robert Grossbart wanted
15 to see if he could sell the manuscript.

16 Q Well, what legal services was Mr.
17 Grossbart going to perform for you?

18 A To see if my interests were protected,
19 to look at contracts.

20 Q And you retained him to do that?

21 A Uh-huh.

1 Q Did you pay him?

2 A No.

3 Q Did he ask to be paid?

4 A Absolutely.

5 Q And you refused?

6 A No, it was a contingency.

7 Q What was your contingency arrangement
8 with Mr. Grossbart?

9 A 10, 10 percent.

10 Q 10 percent of what?

11 A Whatever the sale would be.

12 Q The sale of what?

13 A Whatever he was going to sell.

14 Q What was it he was going to sell?

15 A The book, whatever there was.

16 Q Was there a book when you retained him?

17 A There was some parts of it.

18 Q When did you retain Mr. Grossbart?

19 A For that part of it? 1988.

20 Q What day in 1988?

21 A Oh, I couldn't tell you.

1 Q What time of the year?

2 A Summer.

3 Q Where did it occur?

4 A At his office.

5 Q At his office at where, at what place?

6 A At Engel & Engel.

7 Q Prior to that had you ever revealed to

8 Mr. Grossbart that you had written a manuscript?

9 A No.

10 Q Prior to the meeting in 1988 had you

11 ever revealed to Mr. Grossbart you had murdered

12 your father?

13 MR. SCHULMAN: Objection. I'm going to

14 instruct the witness not to answer that on Fifth

15 Amendment grounds.

16 A I'll take the Fifth.

17 Q You take the Fifth on whether or not you

18 told Mr. Grossbart about murdering your father?

19 MR. SCHULMAN: Take the Fifth.

20 A I'll take the Fifth.

21 Q You state in here that the manuscript

1 you wanted him to develop would be a fictionalized
2 and embellished account of my experience in Ohio as
3 a juvenile; is that what you say here?

4 A Yes.

5 Q And you go on to say in which I was
6 found delinquent in the death of my father; is that
7 what that says?

8 A Which page are you on?

9 Q The first page of your declaration, your
10 affidavit.

11 A Okay. Yes, that's what I say.

12 Q So the manuscript that you were talking
13 to him about was a, an account of the murder of
14 your father; isn't that right?

15 MR. SCHULMAN: Take the Fifth.

16 A Take the Fifth.

17 Q Your experience as a juvenile in which
18 you were found delinquent in the death of your
19 father, isn't that a reference in this affidavit to
20 your murdering your father?

21 MR. SCHULMAN: Take the Fifth.

1 A Take the Fifth.

2 Q Now --

3 MR. RADDING: I didn't hear him. Did he
4 take the Fifth?

5 A I took the Fifth.

6 MR. RADDING: Go ahead, if you can speak
7 up, we're having trouble hearing you.

8 Q Now, you just said a minute ago,
9 Mr. Bond, that you had parts of a manuscript when
10 you retained Mr. Grossbart as your attorney to work
11 on the manuscript?

12 A I believe so.

13 Q Okay. Now, you state in your
14 declaration that you had not started a manuscript.
15 Do you see that?

16 A I certainly had some, something that I
17 showed him.

18 Q My question to you, Mr. Bond, was do you
19 see in your, in the affidavit where it says I had
20 not started a manuscript, do you see that?

21 A Yes, I do.

1 Q That's what you said under oath in your
2 affidavit, right?

3 A It appears so.

4 Q Well, there's no doubt about it, is
5 there, Mr. Bond, that's what you swore to, isn't
6 it?

7 A Yes.

8 Q All right. And then you swore here
9 today that you had started a manuscript, correct?

10 A Huh. Well, it could have been just that
11 the manuscript was an idea, we could have been
12 talking about the idea.

13 Q My question to you, Mr. Bond, was
14 whether you swore here today just a few minutes ago
15 under oath that you had already started the
16 manuscript; isn't that what you told us?

17 A Well, I'm going to retract that. In
18 fact, what I showed him was short stories, that's
19 what it was. I showed him short stories and we
20 discussed what the book would be about, et cetera
21 and so forth.

1 Q So you're going to take back your

2 earlier testimony under oath?

3 A Yeah, and you helped me remember it and

4 thank you.

5 Q When did you execute this affidavit,

6 Mr. Bond, on the 2nd of November?

7 A Da, da, da, da, da. It appears to be

8 so.

9 Q Well, you keep saying it appears,

10 Mr. Bond. That's when you did it, isn't it?

11 A Your name is Mr. McDaniel, correct?

12 Q (Nodding head indicating yes.)

13 A I have gone through more papers than

14 what's on your table right now, so if I don't have

15 a perfect memory of it, photographic memory of it,

16 I'm sure you'll excuse me.

17 Q Mr. Bond, you're looking at an affidavit

18 with your signature where you wrote in your own

19 hand November 2nd --

20 A Yes, sir.

21 Q -- 2001, correct?

1 A Yes, sir.

2 Q And when I asked you if you executed it
3 on that day you say it would appear so?

4 A Yes.

5 Q You don't have any doubt about it, do
6 you, that's when you did it, right? Isn't that
7 right, Mr. Bond?

8 A Yes.

9 Q Okay. So just two weeks ago you knew
10 you hadn't started a manuscript when you retained
11 Mr. Grossbart, correct?

12 A Yes, sir.

13 Q In the intervening two weeks you're
14 telling me you forgot?

15 A Again, I will tell you that there's an
16 awful lot of things going around trying to put all
17 these documents together, and if I don't have
18 instant recall on it I'm, you know, hey.

19 Q It's not that you're lying to us, is it,
20 Mr. Bond?

21 A No.

1 Q You don't have an understanding of the
2 oath, do you?

3 MR. SCHULMAN: I'm going to instruct him
4 not to answer that on the Fifth Amendment grounds.

5 Q Now, you go on to say you confined in my
6 attorney, Mr. Grossbart, about my juvenile
7 experience. What did you tell Mr. Grossbart about
8 your juvenile experience?

9 A I'm going to take the Fifth Amendment on
10 that.

11 Q You also state that you told him about
12 your subsequent rehabilitation at Sheppard Pratt
13 Hospital. Do you see that?

14 MR. SCHULMAN: Take the Fifth.

15 A I'm going to take the Fifth Amendment on
16 that.

17 Q On what?

18 MR. SCHULMAN: Wait a minute. Go ahead
19 and answer that.

20 Q Do you see that there? That's what you
21 said, isn't it?

1 A Yes, I said that.

2 Q Right. Did you tell Mr. Grossbart about
3 your subsequent rehabilitation at Sheppard Pratt?

4 A Yes.

5 Q What did you tell him?

6 A I'm going to take the Fifth on that.

7 Q All right. Did you ask him to assist
8 you in getting information from a lawyer in Ohio?

9 A Yes.

10 Q And why did you ask him to do that?

11 A He, I believe he wanted to have some
12 discussions with the lawyer in Ohio about, that
13 might help him if he was going to sell, sell the
14 story.

15 Q Did he have such discussion?

16 A Yeah, we had a, we had a three-way call.

17 Q When was that?

18 A It was in I believe 1988.

19 Q It was you and Mr. Grossbart and who
20 else?

21 A Gerald Messerman.

1 Q And what was discussed in that call?

2 A Getting some documents to include in the
3 book and I think some status things were checked
4 on. I really don't recollect the substance of the
5 call.

6 Q Was the purpose of the call so that Mr.
7 Grossbart could authenticate that you had in fact
8 murdered your father?

9 MR. SCHULMAN: I --

10 A I'll take the Fifth.

11 Q Now, did Mr. Grossbart tell you that he
12 had talked to other people about perhaps selling
13 your story?

14 A Did he tell me that?

15 Q Yes.

16 A I think so, yeah.

17 Q Who did he tell you that he talked to?

18 MR. RADDING: Mr. Schulman, I detected a
19 nod just then telling him he can answer that. If
20 you are going to instruct him whether it's on
21 privilege or anything else, please don't do it

1 surreptitiously, do it so it's on the record.

2 MR. SCHULMAN: I don't think you
3 detected a nod from me, because if you did it's a
4 fiction (sic) of your, your own imagination.

5 MR. RADDING: No, I'm not imagining
6 anything, Schulman, I saw you nod and then he
7 answered, okay? Please don't do that.

8 MR. SCHULMAN: Well, you didn't see
9 that.

10 MR. RADDING: I did.

11 MR. SCHULMAN: I was, just a material
12 disputed fact.

13 MR. RADDING: Just stop it.

14 A Could you repeat the question, please?

15 Q Yeah. To whom did Mr. Grossbart tell
16 you he spoke?

17 A Well, the thing with Robert Grossbart
18 was --

19 Q I don't want to know the thing with
20 Robert Grossbart, Mr. Bond.

21 A Well, if you want me to answer the

1 question --

2 Q I want you to tell me the names--

3 MR. SCHULMAN: You're badgering the
4 witness.

5 MR. McDANIEL: No, I'm not.

6 MR. SCHULMAN: Let him finish his
7 answer.

8 Q I asked him a specific --

9 MR. RADDING: Mr. Schulman, please don't
10 raise your voice in my offices.

11 MR. McDANIEL: I asked him a specific
12 question. The specific question is to whom did Mr.
13 Grossbart tell you he spoke. That's what I want to
14 know. And the witness started off about the
15 problem with Mr. Grossbart.

16 A I didn't say the problem.

17 MR. McDANIEL: I don't think he's
18 responsive.

19 MR. SCHULMAN: He started to give an
20 answer and you cut him off. I'm asking you to
21 allow him to finish his answer, please.

1 Q Okay. Mr. Bond, my question is to whom
2 did Mr. Grossbart tell you he spoke?

3 A He spoke to a cousin, I believe it was a
4 cousin, I'm going to say I believe from now on so
5 you don't accuse me of lying on everything, I
6 believe he spoke to a relative of his who lived in
7 California who was somehow involved in either
8 television or movies or something like that about
9 doing some sort of, I think he was, his premise was
10 a film, I don't think he was talking about a book
11 at that point.

12 Q What did Mr. Grossbart tell this cousin?

13 A I don't know, I don't know what he told
14 him.

15 Q He never reported to you what he told
16 him?

17 A He said he talked to the guy and I think
18 he actually went out and visited him and had some
19 sort of a discussion, and I don't think that at
20 that time the person wanted to do it.

21 Q Did Mr. Grossbart tell you why the

1 person didn't want to do it?

2 A I think it had to do something with --

3 no. I don't, I mean he told me but I don't really

4 know what it was, but it wasn't anything, it wasn't

5 anything that would make you think about it. You

6 know, it was just like maybe he already had too

7 many projects going on or something like that.

8 Q Did Mr. Grossbart tell you that his

9 cousin wanted authentication that you had in fact

10 murdered your father?

11 A I don't --

12 MR. SCHULMAN: I'm going to tell him to

13 take the Fifth.

14 A I'll take the Fifth.

15 Q What else did Mr. Grossbart do other

16 than talking to his cousin in an attempt to market

17 your book?

18 A He gave some short stories to a guy

19 named Mike Sager (phonetic), who was a editor at

20 Rolling Stone Magazine.

21 Q Mr. Bond, do you fancy yourself a

1 writer?

2 A I don't --

3 MR. SCHULMAN: Objection.

4 A I don't know what the word fancy means.

5 Q Do you consider yourself to be a writer?

6 A I know how to write.

7 Q Are you a writer?

8 A At this moment?

9 Q Yes.

10 A No.

11 Q Have you ever been?

12 A At one time, yes.

13 Q Have you ever published anything?

14 A No.

15 Q Have you ever tried to publish things?

16 A Yes.

17 Q And you've never succeeded?

18 A No.

19 Q Not even one of your short stories?

20 A No.

21 Q You've never made any money as a

1 so-called writer?

2 A I don't know what so-called means.

3 Q Well, you claimed at one time you were a

4 writer; didn't you just tell me that?

5 A I think you told me that.

6 Q Were you at one time in your life a

7 writer?

8 A Yes.

9 Q And you never made any money from it; is

10 that right?

11 A Correct.

12 Q You never sold a single story, right?

13 A I've already answered the question.

14 Q You've never published anything at all?

15 A I've answered the question.

16 Q Now, are you currently not employed; is

17 that correct?

18 A I believe I answered my employment in my

19 past deposition.

20 Q I'm not in your past deposition, Mr.

21 Bond, I'm asking you today whether you're employed?

1 MR. SCHULMAN: I am instructing him to
2 take the Fifth.

3 MR. McDANIEL: On whether he's --

4 MR. RADDING: On his employment?

5 MR. McDANIEL: On his employment?

6 MR. SCHULMAN: Yes.

7 Q Are you employed in illegal activities,
8 Mr. Bond?

9 A I'll take the Fifth Amendment.

10 Q Are you employed in drug dealing?

11 A I'll take the Fifth Amendment.

12 Q What did Mr. Sager say about your short
13 stories, not worth publishing?

14 A I think he liked them.

15 Q Did he publish them?

16 A I don't think he was in a position to
17 publish them.

18 Q He wasn't in a position to publish them?

19 A No.

20 Q What was his position?

21 A He is a writer.

1 Q What else did Mr. Grossbart do as your
2 attorney in connection with this manuscript?

3 A Hmm. I think that covers it. I think
4 that's all he did.

5 Q Okay. He talked to his cousin, he sent
6 some short stories to Mr. Sager and that's it?

7 A I think he followed up, I mean I don't
8 think either of those things were single calls, I
9 think there were several calls associated with each
10 one of them.

11 Q The short stories you wrote didn't have
12 anything to do with your, what you call your
13 juvenile experience in Ohio, did they?

14 A That's correct.

15 Q So what did Mr. Grossbart do for you
16 with regard to your juvenile experiences in Ohio
17 other than speak to his cousin?

18 A Well, he also spoke to Sager.

19 Q But that was about short stories, right?

20 A Well, I'm sure he spoke about the larger
21 story too.

1 Q Well, why are you sure of that? Did Mr.

2 Grossbart tell you that?

3 A I would bet he did, I'll bet he did.

4 Q Well, my question is what you remember,

5 Mr. Bond.

6 A Well, it would seem to me that if he, if

7 he tried to make a pitch to one person, that he

8 would have made the same pitch to the other person,

9 but he would really have to speak about that.

10 Q So you wanted Mr. Grossbart to find

11 someone who could publish your story about your

12 juvenile experiences?

13 A Yes.

14 Q You wanted him to find somebody who

15 could turn it into a movie or a TV show?

16 A Right.

17 Q So what you wanted Mr. Grossbart to do

18 was tell people about what you had to offer,

19 correct?

20 A That's correct.

21 Q And that's why you retained him, right?

1 A Yes.

2 Q And that's why you told him you'd pay
3 him 10 percent of whatever you got, right?

4 A Yes.

5 Q Now, on page 2 of your affidavit,
6 Mr. Bond, you state Norman Pessin became my
7 attorney. Do you see that?

8 A Yeah.

9 Q You retained Norman Pessin to represent
10 you you say with regard to my manuscript; is that
11 correct?

12 A I'm on the first line of that. What
13 line are you on?

14 Q Six lines down.

15 A Okay.

16 Q Norman Pessin also represented me with
17 regard to my manuscript; do you see that?

18 A Yeah.

19 Q Did Mr. Pessin bill you for the work he
20 did as your attorney regarding the manuscript?

21 A No, he didn't.

1 Q What was your arrangement with him?

2 A Same thing with Grossbart.

3 Q A percentage?

4 A Uh-huh.

5 Q Yes or no, please.

6 A Yes.

7 Q Do you have a letter from Mr. Pessin or

8 from you that states your arrangement with Mr.

9 Pessin?

10 A No.

11 Q Was there ever such a letter?

12 A No.

13 Q Just an oral agreement between you and

14 Mr. Pessin?

15 A Yes.

16 Q Now, by the time you retained -- when

17 was it Mr. Pessin became your attorney with regard

18 to the manuscript?

19 A When did he become the attorney with

20 regard to the manuscript. Probably, if I --

21 somewhere in the '88 to '89 range, 1988 to '89.

1 Q Had you written a manuscript by that

2 time?

3 A Well, I don't want to, I don't want to

4 tell the wrong thing here. At a certain point

5 there was the beginning of a book, okay, and

6 whenever the beginning of the book occurred, I

7 think Pessin even before there was a beginning of a

8 book probably tried to do the same thing that

9 Grossbart did because he sent me up to New York to

10 meet with a guy named Erwin Roth, who had some sort

11 of connections with publishing, and also with a guy

12 named Paul Tush, and Paul Tush was the manager of

13 Hal Linden.

14 MR. McDANIEL: Mark this.

15 (Exhibit 4 marked.) 4

16 Q Mr. Bond, the court reporter has marked

17 as Exhibit, is it 5?

18 THE REPORTER: 4.

19 Q 4 for your deposition a box which

20 contains a photocopy of a manuscript; is that

21 correct?

1 A Should I look inside of it? Wow. Okay.

2 Q Am I right?

3 A Yes.

4 Q Identify the manuscript inside of that
5 box, please.

6 A That's a book I wrote.

7 Q And what's the title of the book?

8 A The title of this book appears to be.
9 Self-Portrait of a Patricide.

10 Q Is there a further part of the title,
11 like How I Got Away With Murder?

12 A No, there is not.

13 Q It's just Self-Portrait of a Patricide?

14 A Right.

15 Q You took out How I Got Away With Murder?

16 A I never put How I Got Away With Murder
17 in it.

18 Q That was never part of the title of this
19 book?

20 A That was with the agent, the subsequent
21 agent that I had put in there.

1 Q When was this manuscript that is here as
2 Exhibit 4 written?

3 A That would have been between '93 and
4 '94.

5 Q Is that the latest version of your book?

6 A Yes, sir.

7 Q Did you give a copy of that book to
8 Norman Pessin?

9 A Yes.

10 Q So a copy of the manuscript which is
11 here as Exhibit 4 was given to Mr. Pessin by you,
12 correct?

13 A Well, a copy of this one, of this
14 version of this manuscript? I think -- it's
15 difficult to remember because Norman Pessin had
16 several copies and some he returned and one he did
17 not, so I can't really say which version of the
18 manuscript that Norman had or didn't have.

19 Q Now, what is all this cross-hatching
20 that's on this manuscript, Mr. Bond?

21 A It appears to be cross-hatching.

1 Q Did you put it on there?

2 A I did not.

3 Q Do you know who did?

4 A Yes, I do.

5 Q Who did?

6 THE WITNESS: I'd like to confer with my
7 attorney.

8 Q On privilege grounds?

9 A Yeah.

10 MR. SCHULMAN: Let's go outside.

11 MR. McDANIEL: Go off the record.

12 THE VIDEOGRAPHER: Off the record at
13 3:57.

14 (Brief recess.)

15 MR. McDANIEL: Back on the record.

16 THE VIDEOGRAPHER: One moment. 3:58
17 p.m. We're back on the record.

18 Q All right, Mr. Bond, you've talked with
19 your lawyer, what do you want to say?

20 A Frank Morgan did that.

21 Q Why did he do it?

1 A To keep it confident, confidential.

2 Q How are we supposed to tell by looking
3 at this document what the text says?

4 A You're not supposed to.

5 Q There's no way to tell what this text
6 is, is there, sir?

7 A I can identify it as being from, from
8 the book that was copied from.

9 MR. McDANIEL: Mark this, please.

10 MR. RADDING: Mr. Schulman, while that's
11 being marked I would like to call Judge Dorf. Do
12 you have anything in the rules that prohibits Mr.
13 Dorf from listening in on the cell phone? Can you
14 cite me the rules that you have?

15 MR. SCHULMAN: If you want to take a
16 break I'll go back, go back to looking for that.

17 MR. RADDING: I don't want to take a
18 break, I'm just going to dial Mr. Dorf.

19 MR. SCHULMAN: Well, then I'm going to
20 have to take time to look at the rules.

21 MR. McDANIEL: Mr. Schulman, I don't

1 think it's proper in the middle of a deposition to

2 conduct your basic legal research.

3 MR. SCHULMAN: Well, this is the first

4 time that I have ever had a client in this position

5 where there's going to be a, either a phone

6 transmission to, on a cell phone to someone, either

7 in a car or in an airport. I just don't think

8 that's correct.

9 MR. RADDING: Well, what are you afraid

10 of?

11 MR. McDANIEL: He has taken the Fifth on

12 all the incriminating stuff.

13 MR. RADDING: What are you afraid of?

14 MR. SCHULMAN: I think the rules provide

15 that only the parties or their attorneys are to

16 listen in or be attending their deposition.

17 MR. MARTIN: He's a party.

18 MR. RADDING: Mr. Dorf is a party.

19 MR. SCHULMAN: Well, we don't know

20 where, how the transmission is being affected.

21 MR. RADDING: You don't know if NSA is

1 beaming into this room right now, Mr. Schulman, you
2 don't know if the antiterrorists are listening in
3 on this office, do you, sir? The federal building
4 is across the way. Mr. Dorf has his own phone that
5 he is going to listen to. Do you have any basis to
6 believe that anybody else is going in to listen to
7 it?

8 MR. SCHULMAN: I thought the rules in
9 your office were that we wouldn't raise our voice.

10 MR. RADDING: It's my office, it's my
11 rule.

12 MR. SCHULMAN: That's what I thought.

13 MR. RADDING: Do you have any reason to
14 believe, do you have any reason to believe anybody
15 else is going to listen to that call? Do you have
16 any rule that says that Mr. Dorf can't listen on a
17 phone?

18 MR. SCHULMAN: All right. I would like
19 you to do this then, so we can work this out. Get
20 Mr. Dorf on the phone, all right, see where he is,
21 confirm he's in a car --

1 MR. RADDING: Well, now he's not in the
2 car.

3 MR. SCHULMAN: All right, then where is
4 he?

5 MR. RADDING: At the airport.

6 MR. SCHULMAN: And where is he in the
7 airport?

8 MR. RADDING: I have no idea.

9 MR. SCHULMAN: Well, then we can call
10 and find out where he is. If he's in a public area
11 I don't think he should be --

12 MR. RADDING: With a phone to his ear?

13 MR. SCHULMAN: You can hear from a
14 phone. Now, I'm not trying to be technical but I
15 am concerned.

16 MR. MARTIN: How about if you get him on
17 the phone and he says nobody else is listening,
18 it's just me. He's a member of the bar.

19 MR. SCHULMAN: We'll find out what he's
20 got there. Yeah, I'll take that.

21 THE VIDEOGRAPHER: We're still on the

1 record.

2 (Exhibit 5 marked.)

3 MR. McDANIEL: All right. We're back on
4 the record.

5 Q Mr. Bond, you have in front of you
6 what's been marked as Exhibit 5 for your
7 deposition; is that correct?

8 A Yes, sir.

9 Q Take a look at Exhibit 5, if you would.

10 A Yes.

11 Q Look at the page which is headed AEI,
12 Self-Portrait of a Patricide, How I Got Away with
13 Murder. Do you see that?

14 A Do you know what page number that is?

15 Q Well, just go in about three pages.

16 A Okay.

17 Q Do you see that?

18 A Yeah.

19 Q Take a general look at the first 25
20 pages of this exhibit. Up to what appears as
21 chapter 1.

1 A Uh-huh.

2 Q Have you done that?

3 A Yeah.

4 Q Now, the first 25 pages of the exhibit

5 are different from the balance of the exhibit;

6 isn't that correct, Mr. Bond?

7 A It's a separate document.

8 Q The balance of this exhibit is a

9 manuscript of a book; isn't that correct?

10 A Yes.

11 Q It runs up through about page 600 with

12 some omissions; is that right?

13 A That's wrong.

14 Q Pardon? I can't --

15 A The word omission is incorrect.

16 Q There are some pages missing from this

17 exhibit.

18 A No, they're not.

19 Q They are just improperly numbered?

20 A No.

21 Q Well, I go from page 396 to page 553.

1 A I believe you.

2 Q And can you tell me, Mr. Bond, can you
3 explain that to me, is that, is there any --

4 A Explain why you're doing that?

5 Q Explain why this exhibit goes that way.

6 A I did not assemble this exhibit so I
7 can't understand why somebody would do this.

8 Q Well, you just told me this exhibit
9 didn't have any omissions in it, didn't you just
10 tell me that?

11 A Ooh, I don't know if I want to -- I mean
12 I don't know if I said that or I didn't say that,
13 but you're asking me certain questions about this.
14 I didn't put this together. Whoever stole this
15 manuscript put it together, okay?

16 Q Okay. Who wrote this manuscript,
17 Mr. Bond?

18 THE WITNESS: Don't I take a privilege
19 on that?

20 MR. SCHULMAN: No.

21 A I did.

1 Q You wrote the manuscript which is

2 Exhibit 5?

3 A Yes, sir.

4 Q Now, the materials which are the first

5 25 pages of this exhibit which you say are a

6 different document were prepared by an agent on

7 your behalf; is that correct?

8 A They were prepared in conjunction with

9 an agent.

10 Q The agent was representing you, wasn't

11 he, Mr. Bond?

12 A Yes.

13 Q And these materials were prepared on

14 your behalf; isn't that correct?

15 A Pardon me?

16 Q These materials were prepared by the

17 agent on your behalf?

18 A They were prepared in conjunction with

19 me on my behalf.

20 Q Well, you saw them when they were

21 prepared, didn't you, Mr. Bond?

1 A Did I see them when they were prepared.

2 To answer that question, to answer that question is

3 no, I did not see them when they were prepared.

4 Q Did you see them after they were

5 prepared?

6 A To technically answer your question,

7 yes, I saw them after they were prepared.

8 Q Did you know that they were being sent

9 out on your behalf?

10 A Not until sometime afterwards.

11 Q Well, you hired Mr. Atchity to market

12 your manuscript; is that correct?

13 A Yes.

14 Q And the manuscript you hired him to

15 market is what is the balance of Exhibit 5?

16 A Yes.

17 Q And you sent the manuscript to Mr.

18 Atchity; is that correct?

19 A Yes.

20 Q And he prepared these promotional

21 materials I think as you said in conjunction with

1 you?

2 A That's correct.

3 Q And did you ever tell Mr. Atchity there

4 was something wrong with these promotional

5 materials?

6 A I told Mr. Atchity that I did not

7 exactly agree with the promotional way he was

8 selling it.

9 Q Did you tell Mr. Atchity there was

10 anything wrong with these promotional materials

11 which constitute the first 25 pages of Exhibit 5?

12 A I don't remember, you know, whatever

13 criticisms or noncriticisms that I had

14 specifically.

15 Q Well, why don't you take a look at them

16 and see if you can refresh your recollection about

17 what you call your criticisms or noncriticisms.

18 A It wouldn't make any difference.

19 Q You just can't remember what you told

20 Mr. Atchity?

21 A I told him I wasn't happy with it.

1 Q Did you tell him there were parts of
2 this promotional materials that weren't accurate?

3 MR. SCHULMAN: I'm going to instruct the
4 witness to take the Fifth.

5 A Yeah, I'll take the Fifth.

6 Q Did you tell Mr. Atchity that there were
7 parts of the promotional materials that
8 misrepresented your, your text?

9 MR. SCHULMAN: I'm going --

10 A I'll take the Fifth.

11 Q All right. Let's look at the first
12 page, your Self-Portrait of a Patricide, How I Got
13 Away With Murder, do you see that?

14 A All right. Which page number are you
15 on?

16 Q You have it there.

17 A 3?

18 Q Do you have it there, Mr. Bond?

19 A You said page 3.

20 Q Do you have it there? Self-Portrait of
21 a Patricide --

1 A It's page 3, then it's --

2 Q -- How I Got Away With Murder. It
3 doesn't have a page number on it?

4 A Okay.

5 Q Do you have that in front of you?

6 A Yeah.

7 Q Does it say the true story of and by
8 William Bond?

9 A Yes, it does.

10 Q And did you tell Mr. Atchity that this
11 in fact was not a true story?

12 A I'll take the Fifth Amendment.

13 MR. SCHULMAN: Take the Fifth.

14 Q Did you tell Mr. Atchity that this was a
15 fictionalized and embellished account?

16 A I'll take the Fifth Amendment.

17 Q Go on to look here, Mr. Bond, where it
18 says Self-Portrait of a Patricide is the true
19 unique store of a boy who with full knowledge
20 aforethought simultaneously broke the Fourth and
21 Fifth Commandments. Would you do me a favor, Mr.

1 Bond, and take a look at the document? Is that

2 what that says?

3 A If you are reading it it must.

4 Q Well, I'm asking you, Mr. Bond, if this

5 document says it's the true unique story of how you

6 broke the Fourth and Fifth Commandments?

7 A I'm going to take the Fifth Amendment on

8 all further questions about the manuscript in that

9 it's being used in a criminal trial against me.

10 Q You know what the Fifth Amendment is, do

11 you know what the Fifth Commandment is? Do you?

12 MR. SCHULMAN: I'm going to ask the

13 witness to leave the room.

14 THE WITNESS: Thank you. And I'm going

15 to use the restroom too, so I'll be a moment.

16 MR. RADDING: I think that was more

17 information than we needed.

18 (The witness left the deposition room.)

19 MR. SCHULMAN: I think you're abusing

20 the witness.

21 MR. McDANIEL: That's what you sent him

1 out for? Bring him back.

2 MR. SCHULMAN: He's going to the men's
3 room now.

4 MR. McDANIEL: Geez. I tell you what,
5 Mr. Schulman, if you think I'm abusing the witness,
6 terminate the examination and take it to the judge.

7 MR. SCHULMAN: No, we're just going to
8 let you videotape the rest of it.

9 MR. McDANIEL: You're a piece of work,
10 Mr. Schulman.

11 THE VIDEOGRAPHER: Off the record?

12 MR. McDANIEL: No, we'll stay on the
13 record until Mr. Bond comes back from wherever he
14 went.

15 MR. RADDING: Paul.

16 MR. DORF: Yeah.

17 MR. RADDING: You're on the speaker
18 phone with the assembled multitude, the same people
19 as when you left except McKinney is out of the room
20 and Mr. Bond is out of the room.

21 MR. DORF: Okay. Thank you.

1 MR. RADDING: Mr. Schulman has exhibited
2 some concern. First of all, you've got an
3 up-to-date modern digital cell phone; is that
4 correct?

5 MR. DORF: Yes, AT&T phone.

6 MR. RADDING: Okay. And can you, can
7 you proceed to a place where nobody else can
8 overhear? Mr. Schulman's afraid that you're going
9 to be in a place where other people can hear what's
10 being broadcasted.

11 MR. DORF: I'll stay the corner until I
12 get on the plane, okay?

13 MR. RADDING: Okay. So you're going to
14 stay in the corner away from other persons?

15 MR. DORF: And I don't know anybody here
16 right now.

17 MR. RADDING: And can you mute your
18 phone so that we don't hear those announcements and
19 stuff?

20 MR. DORF: I'll try, okay?

21 MR. RADDING: All right. Because the

1 last thing we want to hear is when a plane is

2 boarding.

3 MR. DORF: You can mute your speaker

4 phone, turn it all the way down.

5 (Discussion held off the record.)

6 MR. SCHULMAN: Could you ask Mr. Dorf

7 specifically where he is?

8 MR. RADDING: Mr. Dorf, Mr. Schulman

9 would like to know specifically where you are.

10 MR. DORF: I'm at the gate for the plane

11 to go to Fort Lauderdale.

12 MR. SCHULMAN: You're at the gate for

13 the plane to Fort Lauderdale?

14 MR. DORF: Yeah.

15 MR. MARTIN: Go buy a fruit shake.

16 (Discussion held off the record.)

17 (Recess.)

18 THE VIDEOGRAPHER: 4:26 p.m. We're back

19 on the record.

20 MR. SCHULMAN: Should we wait for Jerry

21 Martin or --

1 MR. McDANIEL: No, let's just start.

2 MR. SCHULMAN: All right. The first
3 thing is I had asked Mr. Radding whether he could
4 take a subpoena for Mr. Dorf, and he said he was
5 not authorized to do so.

6 MR. McDANIEL: Mr. Schulman, this is a
7 deposition. It's not the time to talk about
8 whether or not subpoenas have been accepted or not.
9 This is a court reporter that I have got here today
10 to do this, and I'm not going to allow you to start
11 talking about things that have nothing to do with
12 the deposition. Whether you serve subpoenas or
13 don't serve subpoenas has nothing to do with this.

14 MR. RADDING: Especially at X dollars a
15 page.

16 MR. McDANIEL: Yeah. It's just, it's
17 really not proper, Mr. Schulman.

18 MR. SCHULMAN: Let's talk about
19 something that was about the deposition, because
20 during the break you made a statement about the
21 deposition in regard to the deposition, and my

1 notes reflect you say it was a bullshit lawsuit
2 about a piece of scum and then I asked you if you
3 wanted to say that on the record, so my question to
4 you now is do you want to say it on the record?

5 MR. McDANIEL: Mr. Schulman, it wasn't
6 about the deposition, and you didn't even get
7 correct what I said. You can't even write down
8 correctly what I said.

9 MR. SCHULMAN: What did you say?

10 MR. RADDING: I've got to object to
11 this, we're on the record, we're paying for these
12 pages. If you're trying to pick an argument with
13 him, Howard, do it on your own time, would you?
14 You're wasting my time and everybody else in here.

15 MR. McDANIEL: Let's get the witness in
16 here.

17 MR. RADDING: We have a deposition
18 going.

19 MR. SCHULMAN: I think it's a fair thing
20 to put that on the record.

21 MR. RADDING: We have a deposition

1 going, Mr. Schulman. Can we get your client back

2 in here and continue it?

3 MR. McDANIEL: Get your witness in here,

4 please, Mr. Schulman.

5 MR. SCHULMAN: All right. It's what I

6 thought, you wouldn't say that on the record.

7 MR. McDANIEL: Get your witness in here,

8 please.

9 MR. RADDING: Mr. Schulman, would you

10 stop trying to provoke a fight? This isn't the

11 schoolyard. Get your client in here. Geez.

12 THE VIDEOGRAPHER: Still rolling.

13 BY MR. McDANIEL:

14 Q All right, Mr. Bond, did you complain to

15 Mr. Atchity that the statement contained on the

16 page we're looking at, and I'd ask you again to

17 look at it, if you would, Mr. Bond.

18 A I've already told you I'm not going to

19 answer any more questions about the book, I'll take

20 the Fifth Amendment.

21 Q Mr. Bond, I'm going to ask you the

1 questions anyway, okay?

2 A I'm taking the Fifth Amendment so I'm

3 not going to look at.

4 Q I'd like you to look at it --

5 A I'm not going to look at it.

6 Q -- Mr. Bond, where it says that this is

7 a true story.

8 MR. SCHULMAN: Take the Fifth.

9 Q Did you complain to Mr. Atchity that

10 that was --

11 A I'm taking the Fifth Amendment.

12 Q Let me show you the first part of what

13 was marked as Exhibit 4 for your deposition,

14 Mr. Bond. Would you look at that, please?

15 A I see it.

16 Q Would you pick it up and look at it,

17 Mr. Bond?

18 A I can't reach it.

19 (Document tendered.)

20 A Thanks, Howard.

21 Q Mr. Schulman has handed it to you now,

1 Mr. Bond?

2 A Uh-huh.

3 Q Yes or no, please?

4 A Yes.

5 Q Now, this first part of Exhibit 4 is

6 separate from the text of your manuscript; is that

7 correct?

8 A Yes.

9 Q Did you also copyright that first part?

10 A Yes.

11 Q And the first part of Exhibit 4

12 corresponds to the first 25 pages of Exhibit 5; is

13 that correct?

14 A I believe so.

15 Q And in fact part of what you filed with

16 the copyright registry states that Self-Portrait of

17 a Patricide is a true unique story; isn't that

18 correct?

19 A I'm going to take the Fifth Amendment.

20 Q You're going to take the Fifth Amendment

21 on what the manuscript says that you filed with the

1 copyright registry; is that what you're doing?

2 A I answered the question.

3 MR. SCHULMAN: Let's talk about that.

4 THE WITNESS: Okay.

5 MR. McDANIEL: Off the record one more
6 time.

7 THE VIDEOGRAPHER: Off the record at
8 4:30.

9 (Pause in the proceedings.)

10 THE VIDEOGRAPHER: 4:31 p.m. We're back
11 on the record.

12 Q All right, Mr. Bond, you talked with
13 your lawyer. What do you want to say?

14 MR. SCHULMAN: Read the question back,
15 please.

16 Q The question is did you state in the
17 copyrighted materials that are part of Exhibit 4
18 that Self-Portrait of a Patricide is a true story?

19 A Yes.

20 Q Did you state that it was the true story
21 of and by William Bond?

1 A Yes.

2 Q Did you state that it was
3 autobiographical? By that I mean the transcript of
4 the book that you filed with the copyright
5 registry?

6 A Yes.

7 Q Did you state that it was the
8 autobiography of a crime so heinous it is part of
9 the sacred taboos of all cultures?

10 A Yes.

11 Q Did you state that your book is a
12 shocking book that transcends true crime?

13 A I think that I'm --

14 Q Yes or no, Mr. Bond?

15 A I think I'm going to take --

16 MR. SCHULMAN: I'm instructing you to
17 take the Fifth.

18 A Yeah. Because you're going through line
19 by line of the book I'm taking the Fifth on it.

20 Q I'm not going through the book, Mr.

21 Bond, I'm going through the promotional

1 materials --

2 A Right.

3 Q -- which you copyrighted.

4 A Right. And I'm going to take the Fifth

5 on that, I'm going to admit I copyrighted it and

6 that's all I'm going to say about it.

7 Q You're not going to admit that you

8 stated it transcended true crime stories?

9 A I'm going to take the Fifth Amendment.

10 Q Did you state in your material that you

11 copyrighted that this was the autobiographical

12 account of how William Rovetar, now known as

13 William Bond, thought before, during and after the

14 murder of his father?

15 MR. SCHULMAN: Take the Fifth.

16 A I'm going to take the Fifth.

17 Q Did you state that, in the promotional

18 materials you copyrighted, which are part of

19 Exhibit 4, that William Rovetar, an identical twin,

20 with cold premeditation murdered his father for his

21 money?

1 A I'm going to take the Fifth Amendment.

2 Q Did you state in the promotional
3 materials that you filed, that you copyrighted as
4 part of Exhibit 4, that you intended to get away
5 with murder?

6 A I'm going to take the Fifth Amendment on
7 that and everything else to do with the promotional
8 materials.

9 Q These promotional materials were
10 designed to sell your book to other people; isn't
11 that correct?

12 A I'm going to take the Fifth Amendment on
13 the promotional materials.

14 Q Did you put it in the promotional
15 materials that you registered with the copyright
16 office that after your release from a psychiatric
17 hospital you were able to collect from your
18 father's estate?

19 A I'm going to take the Fifth Amendment.

20 Q Did you state in the promotional
21 materials that are part of Exhibit 4 how and why

1 William Rovetar was able to manipulate the scales

2 of the judicial system as a subject of patricide?

3 Did you say that?

4 MR. SCHULMAN: Take the Fifth.

5 A I'm going to take the Fifth Amendment.

6 Q Did you state that the book you wrote

7 was your story about a brutal murder and cover up?

8 MR. SCHULMAN: Take the Fifth.

9 A I'm going to take the Fifth Amendment.

10 Q Did you state in the promotional

11 materials you filed that, with the copyright

12 office, Bill feels vindicated, to him he has just

13 gotten away with murder in the first degree with

14 little more than a slap on the wrist. Did you

15 state that?

16 MR. SCHULMAN: Take the Fifth.

17 MR. RADDING: I didn't hear him.

18 MR. MARTIN: I didn't hear it.

19 A I'll take the Fifth Amendment.

20 Q Did you compare your book, the

21 transcript in the promotional materials you filed

1 which are part of Exhibit 4, with other works of
2 nonfiction?

3 A I'm going to take the Fifth Amendment.

4 Q Did you compare your book, Self-Portrait
5 of a Patricide to Truman Capote's In Cold Blood?

6 A I'm going to take the Fifth Amendment.

7 Q You know what In Cold Blood is by Truman
8 Capote, don't you, Mr. Bond?

9 A I'm going to take the Fifth Amendment.

10 Q Do you know what the book Helter-Skelter
11 is, Mr. Bond?

12 A Fifth Amendment.

13 Q I'm sorry, Mr. Bond, I can't hear your
14 response.

15 A I'm going to take the Fifth Amendment.

16 Q Do you know what the book The
17 Billionaire Boys Club is?

18 A I'm going to take the Fifth Amendment.

19 Q Isn't it true, Mr. Bond, that in the
20 promotional materials you filed you compared your
21 book to a whole series of books that are

1 nonfiction; isn't that right?

2 A I'm going to take the Fifth Amendment.

3 Q Those books included Fatal Vision; is

4 that correct?

5 A Fifth Amendment.

6 Q Blind Faith; is that correct?

7 MR. RADDING: I didn't hear an answer.

8 Q I didn't hear an answer either,

9 Mr. Bond.

10 A I would like to make a statement.

11 MR. SCHULMAN: No, no, no, no, no

12 statements. To answer your question assert the

13 Fifth Amendment.

14 A Fifth Amendment, Fifth Amendment.

15 Q Did you compare your book to --

16 A Fifth Amendment.

17 Q -- The Billionaire Boys Club, Mr. Bond?

18 A Fifth Amendment.

19 Q Did you compare your book to a book

20 called Cruel Doubt, Mr. Bond?

21 A Fifth Amendment.

1 Q Did you state in the promotional
2 materials that you were exploring major motion
3 pictures for your book?

4 A Fifth Amendment.

5 Q Were you exploring major motion pictures
6 for your book at the time you --

7 A Fifth Amendment.

8 Q Let me finish my question, Mr. Bond.
9 Were you exploring the possibility of making a
10 motion picture of your book?

11 A Fifth Amendment.

12 Q Mr. Bond, in your book, I'd like to
13 refer you to page 382 of your book. Did you state
14 in this book that you lied to your own lawyer, to
15 the police and to the judges in Ohio in an attempt
16 to get away with an insanity defense?

17 MR. SCHULMAN: Objection to the form of
18 the question as well as instruct the witness to
19 take the Fifth Amendment.

20 MR. McDANIEL: What's the objection to
21 the form?

1 MR. SCHULMAN: Mr. Bond, would you step
2 out?

3 THE WITNESS: Yes.

4 (Witness left the deposition room.)

5 MR. SCHULMAN: Objection to the form is
6 referring to this book. Now, are you referring to
7 what's been marked as Exhibit Number 5 or, I mean
8 what is this book --

9 MR. McDANIEL: I'll clear that up for
10 you, Mr. Schulman. Bring your witness back.

11 MR. SCHULMAN: Thank you.

12 THE VIDEOGRAPHER: Do you want to go off
13 the record?

14 MR. McDANIEL: No.

15 (Witness enters deposition room.)

16 Q Mr. Bond, in the book you have in front
17 of you, which is Exhibit 5, did you state in there
18 that you lied to your lawyer, to the police and to
19 the court in an attempt to win out of an insanity
20 defense?

21 MR. SCHULMAN: Take the Fifth.

1 A And I'll take the Fifth.

2 Q Did you state that in the book which is
3 part of Exhibit 4?

4 MR. SCHULMAN: Take the Fifth.

5 A I'll take the Fifth.

6 Q Now, Mr. Bond, in your affidavit, which
7 is in front of you as Exhibit 4 from the deposition
8 of Mr. Grossbart, you referred to your book as a
9 fictionalized and embellished accounts of your
10 experience in Ohio. Do you see that in paragraph
11 2?

12 A Which? Paragraph 2. Yes.

13 Q Now, that's a lie, isn't it, Mr. Bond?

14 MR. SCHULMAN: Take the Fifth.

15 A Take the Fifth Amendment.

16 Q All right. Now, isn't it true --

17 MR. SCHULMAN: Well, strike -- no, you
18 can answer that.

19 Q What do you want to do, Mr. Bond, do you
20 want to answer that one?

21 MR. SCHULMAN: Well, what, are you

1 talking to my client?

2 MR. McDANIEL: Yeah.

3 MR. SCHULMAN: Would you step out?

4 (Witness left deposition room.)

5 MR. McDANIEL: Do you want to answer
6 that question?

7 MR. SCHULMAN: No, he's going to follow
8 my instructions. You're not to be communicating
9 with my client.

10 MR. McDANIEL: I'm asking him questions,
11 Mr. Schulman.

12 MR. SCHULMAN: No, that's wrong.

13 MR. McDANIEL: I'm asking him questions.

14 MR. SCHULMAN: You know that's wrong.

15 MR. McDANIEL: No, it's not wrong.

16 MR. SCHULMAN: It's absolutely wrong.

17 MR. McDANIEL: I'm asking him questions.

18 Why is he out of the room? Why have you sent him
19 out of the room, Mr. Schulman?

20 MR. SCHULMAN: Because that's, I didn't

21 want to make a speaking objection but apparently we

1 did that. That's not right for you to do that.

2 MR. McDANIEL: Mr. Schulman, bring your
3 client back, please.

4 MR. SCHULMAN: You're not to be
5 having --

6 MR. McDANIEL: Bring your client back,
7 Mr. Schulman.

8 MR. SCHULMAN: You're not to be
9 conferring with my client, you can ask him
10 questions --

11 MR. McDANIEL: Mr. Schulman, that is
12 ludicrous. Bring your client back.

13 MR. SCHULMAN: It's right on the point.

14 MR. McDANIEL: It's ludicrous, Mr.
15 Schulman.

16 MR. SCHULMAN: Right on.

17 MR. McDANIEL: Bring your client back,
18 please.

19 (Witness enters deposition room.)

20 Q All right, Mr. Bond, isn't it a lie when
21 you stated in your affidavit that your manuscript

1 was a fictionalized and embellished account? Isn't

2 that a lie?

3 A No.

4 Q This manuscript that you filed with the

5 copyright office was a fictionalized and

6 embellished account; is that what you're saying?

7 A Yes.

8 Q Why did you file that material there

9 that we have as part of Exhibit 4 which says it's

10 true?

11 MR. SCHULMAN: Take the Fifth.

12 A I'll take the Fifth.

13 Q Now, you're willing to testify that the

14 book is fictional, correct?

15 A Yes.

16 Q That's your position today, it's

17 fictional?

18 A Absolutely.

19 Q Can you point to one piece of

20 promotional material or one letter or one document

21 that says this book is fictional?

1 A I'll take the Fifth Amendment.

2 Q You can't point to one, can you? In

3 fact you perjured yourself in this affidavit,

4 didn't you, Mr. Bond?

5 A I'll take the Fifth Amendment.

6 Q Now, isn't it also true, Mr. Bond, that

7 none of these manuscripts that you produced have on

8 them the words confidential, keep confidential,

9 keep secret; isn't that true?

10 A Hmm. I really couldn't tell you.

11 There's so many of them floating around I couldn't

12 tell what's on them.

13 Q Look at this one. Look at this one,

14 Mr. Bond, which is Exhibit 4, and look at the

15 promotional material and show me where it says in

16 there keep this confidential.

17 A Well, you really can't read it because

18 of the, of the stencil on it.

19 Q Well, you wrote it, didn't you,

20 Mr. Bond?

21 A Yes.

1 Q And you know what it says, don't you?

2 A I don't read it every day.

3 Q Well, can you tell me, Mr. Bond, by

4 looking at it or from your memory where it says in

5 there that this is to be kept secret or

6 confidential?

7 A I really don't have any memory of

8 whether it does or doesn't.

9 Q The fact is, Mr. Bond, you know that it

10 doesn't; isn't that right?

11 A If you're going to answer for me.

12 Q Pardon me?

13 A You just answered for me.

14 Q You know that it doesn't, don't you?

15 A That's a complicated sentence.

16 Q Well, why don't you look at this

17 exhibit, which is Exhibit Number 5. That's the

18 manuscript that you, that you sent to Mr. Pessin;

19 is that correct? Do you have that in front of you?

20 A Don't I already have the same thing

21 here?

1 Q You've got it in front of you?

2 A What's the difference from this one --

3 Q That's the same as the one I put in
4 front of you.

5 A Okay. Can you take it back, now?

6 Q Yeah. Can you tell me, Mr. Bond, where
7 in Exhibit 5 it says keep this secret, keep it
8 confidential, don't disclose it?

9 A Not offhand.

10 Q Look at it, Mr. Bond.

11 A No, I'm not going to look through the
12 book right now.

13 Q Look at the book, Mr. Bond.

14 A Okay.

15 Q Now, tell me where it says in there, Mr.
16 Bond --

17 A I didn't see where it said anywhere.

18 Q Take a more careful look.

19 A No.

20 Q Why not, Mr. Bond? Why are you
21 refusing?

1 A My eyes are too tired to look through
2 that, I've been reading too many documents lately.

3 Q Mr. Bond, I want you to tell me where in
4 that book it says keep confidential.

5 A I don't see anywhere it says it.

6 Q In fact it doesn't say it anywhere, does
7 it, Mr. Bond?

8 A If you're going to make it a fact.

9 Q Mr. Bond, it doesn't say anywhere in the
10 book which is in front of you as Exhibit 5 to keep
11 the book confidential, does it?

12 A If you say so.

13 Q Answer yes or no, Mr. Bond.

14 A I don't know. That's my answer.

15 Q Mr. Bond, the book is in front of you.

16 A I'm not going to go through every page.

17 Q You're under oath, you're required to
18 look at the book, Mr. Bond, and answer the
19 question.

20 MR. SCHULMAN: Look at the book and
21 answer his question.

1 A I don't see anything.

2 Q You agree with me, don't you, Mr. Bond,
3 that the book doesn't have any indications that it
4 should be kept secret?

5 A Sure, I'll agree with you.

6 Q You agree with me that the book doesn't
7 have any indication that it's not to be copied, you
8 agree with that, don't you?

9 A Yeah, I don't see a do not copy sticker
10 on it.

11 Q And you agree with me, don't you,
12 Mr. Bond, that the book doesn't say it's not to be
13 distributed, does it?

14 A Oh, I don't see that either.

15 Q And you don't see any notice of
16 copyright on any of these manuscripts either, do
17 you?

18 A I don't see any.

19 Q You didn't ever place one on there, did
20 you?

21 A On this, I didn't make that copy.

1 Q Did you ever place a notice of copyright
2 on any copy you made?

3 A Sure.

4 Q Which one?

5 A The one right there in that brown box.

6 Q You did that in August of 2001, correct?

7 A Somebody that works for me did it.

8 Q Prior to August 2001 was it ever done?

9 A I don't think so.

10 Q You know it wasn't done, don't you,
11 Mr. Bond?

12 A Well, I just said I don't think so.

13 Q Now, did you tell Mr. Pessin to
14 distribute the manuscript on your behalf?

15 A I believe he did on several occasions.

16 Q Let me repeat my question, Mr. Bond, I
17 want you to answer my question. Did you tell Mr.
18 Pessin to distribute the manuscript on your behalf?

19 MR. SCHULMAN: Objection to form.

20 A I gave Mr. Pessin a copy of a book and
21 he would do whatever he could do. Did he before he

1 would send it to somebody consult with me; not
2 necessarily.

3 Q Did you tell Mr. Pessin, Mr. Bond, I'm
4 asking you this for the third time, to distribute
5 the manuscript on your behalf?

6 MR. SCHULMAN: Objection to the form.

7 A I did not say those exact words.

8 Q Well, that's what you wanted him to do,
9 wasn't it, Mr. Bond?

10 MR. SCHULMAN: Objection to form.

11 Q Isn't it, Mr. Bond?

12 A You're writing my own statements for me.

13 Q Mr. Bond, I want you to answer my
14 questions.

15 A You're answering the questions.

16 Q No, I'm asking questions of you,
17 Mr. Bond.

18 A Uh-huh.

19 Q I want you to answer the question that I
20 just asked you.

21 A If you're asking verbatim did I ask Mr.

1 Pessin to do what you exactly said, no, then it's

2 not.

3 Q Did you ask him that in so many words?

4 A Yes, in so many words.

5 Q And that's what you expected him to do,

6 correct?

7 A Uh-huh.

8 Q Yes or no?

9 A Yes.

10 Q You expected him to send this manuscript

11 that you wrote off to publishers; isn't that right?

12 A Or people associated with publishers.

13 Q You expected him to do one or the other?

14 A Uh-huh.

15 Q Yes?

16 A Yes.

17 Q You expected him to do what he could to

18 market your manuscript, correct?

19 A Yes.

20 Q And he did that for you, didn't he?

21 A Yes.

1 Q He sent the manuscript off to a woman at

2 Dell?

3 A I believe that's so.

4 Q Her name was Jacqueline Cantor; is that

5 correct?

6 A I believe so.

7 Q And he sent the manuscript off to a

8 Michele Lax?

9 A I believe that's true.

10 Q And did he send the manuscript off to

11 Mr. Atchity?

12 A Yes, he did.

13 Q Did he send it off to anybody else?

14 A I really can't tell. I don't know.

15 Q You don't remember?

16 A No.

17 Q Now, you stated in your affidavit that

18 you considered the manuscript in Mr. Pessin's

19 possession to be private and confidential; is that

20 correct?

21 A Yes.

1 Q And that's true even though you told Mr.
2 Pessin to send it off to these various agents?

3 A Yes.

4 Q Even though he was to send it to third
5 parties you believed it was protected by some
6 privilege; is that correct?

7 A I don't know, I don't know your
8 technical definition of that.

9 Q Well, I want to know what you thought it
10 was protected by.

11 A Well, for instance, if he gave the book
12 to another lawyer at, what's that guy's name who
13 died? You know, if he gives it to a lawyer and the
14 lawyer is going to give it to somebody else it
15 seems to me that that's somehow a privileged
16 confidential type thing.

17 Q What if he gave it to an agent like
18 Atchity?

19 A Well, Atchity, and I, everything was
20 confidential and he returned it. And whoever he
21 sent it to was eyes only.

1 Q Mr. Atchity sent it out to other people?

2 A That's correct.

3 Q And you told Mr. Pessin it was not to be
4 distributed to anybody without your permission?

5 A He would certainly discuss it with me
6 before he did something with it.

7 Q Did you tell him it was not to be
8 distributed without your permission?

9 A Yeah, I believe so.

10 Q Did you write that in a letter to him or
11 you just told him that orally?

12 A Most things between Norman and I were
13 oral.

14 Q Now, you go on to state in paragraph 6
15 of your affidavit that this book is a highly
16 fictionalized and stylized book about your
17 experiences involving your father. Do you see
18 that?

19 A Uh-huh.

20 Q Yes or no?

21 A Wait a minute. Which line?

1 Q Page 3, paragraph 6.

2 A Which line?

3 Q Third line.

4 A Uh-huh.

5 Q Do you see that?

6 A Yeah.

7 Q Now, that's false, isn't it, Mr. Bond?

8 A No.

9 Q This book is true, isn't it?

10 A No.

11 Q The book is not true?

12 A No.

13 Q Oh, you now are going to answer the

14 question as to whether Exhibits Number 4 and 5 are

15 true or false?

16 MR. SCHULMAN: Take the Fifth.

17 A I'm going to take the Fifth Amendment.

18 Q All right. So when you state in this

19 affidavit that it's a highly fictionalized account,

20 that's a lie, isn't it, Mr. Bond?

21 A I take the Fifth Amendment.

1 MR. SCHULMAN: Well --

2 Q Now, your purpose, Mr. Bond, in --

3 MR. SCHULMAN: Let's confer on that one.

4 THE WITNESS: Okay.

5 MR. McDANIEL: He's answered the

6 question, Mr. Schulman.

7 MR. SCHULMAN: He can retract it.

8 MR. McDANIEL: He can retract it when

9 you cross-examine him. That's the way it's done,

10 Mr. Schulman.

11 Q You go on to state in your affidavit,

12 Mr. Bond, that you are now quite sensitive to the

13 contents of the works. What do you mean by that?

14 A I think I'm going to take the Fifth

15 Amendment on that.

16 Q You're sensitive to the contents of

17 these works because they're true; isn't that right,

18 Mr. Bond?

19 A I'm going to take the Fifth Amendment on

20 that.

21 Q Mr. Bond, your purpose in bringing this

1 litigation is to prevent the book being used in

2 litigation involving your wife and William Slavin;

3 isn't that correct?

4 A I'm going to take the Fifth Amendment.

5 Q I can't hear you, Mr. Bond.

6 A I'm going to take the Fifth Amendment.

7 Q Okay. You have no intention of

8 publishing this book; isn't that right, Mr. Bond?

9 A I'm going to take the Fifth Amendment on
10 that.

11 Q You registered this book with the
12 copyright office, you say, for the sole purpose of
13 being able to bring this case; isn't that what you
14 say?

15 A Which line are you at with that?

16 Q On page 3, paragraph 6, five lines from
17 the bottom.

18 A That's certainly true.

19 Q The only purpose you had for protecting
20 your copyright was so you could bring this lawsuit?

21 A Well.

1 MR. RADDING: I couldn't hear that

2 answer.

3 A I said well.

4 Q Can you answer the question?

5 A It seems obvious.

6 Q I don't know what's obvious or not to

7 you, Mr. Bond. That's why I have to ask these

8 questions.

9 A Well, if you steal something that's not

10 yours and the only remedy is to go through a

11 formality, then you have to go through the

12 formality to get the remedy.

13 Q And you didn't, you didn't register the

14 copyright because you didn't have any intention of

15 publishing, did you?

16 A I would say not recently.

17 Q And you have no intention of publishing

18 this book, do you?

19 A Most likely not.

20 Q In fact, you can't find a publisher for

21 this book, can you, Mr. Bond?

1 A I would bet that tomorrow somebody would
2 publish this book.

3 Q Well, Mr. Bond, you've tried for years
4 to get this book published, haven't you? Haven't
5 you? Am I right or wrong?

6 A Have I tried for years, that means it's
7 continuing. No, I'm not continuing to try.

8 Q There was a period of time over a number
9 of years where you tried to get this book
10 published, right?

11 A That's true.

12 Q Nobody would touch it, would they,
13 Mr. Bond?

14 A That's not true.

15 Q Nobody published it, did they, Mr. Bond?

16 A I did not sell the property.

17 Q Nobody published your book, correct?

18 A That is correct.

19 Q Nobody bought your book, correct?

20 A That's correct.

21 Q And then you gave up on trying to get it

1 published; isn't that right?

2 A I wouldn't use those words.

3 Q Well, you don't try anymore to get it

4 published; isn't that correct?

5 A I withdrew its consideration.

6 Q Can you repeat that answer, please?

7 A I withdrew its consideration.

8 Q And when did you do that?

9 A When I met my present wife.

10 Q When was that, Mr. Bond?

11 A No, that's not actually true. I think

12 that Norman did do a few what I would call minor

13 attempts after I met my wife, but for all intents

14 and purposes since 1998 I don't think I've done

15 anything on it.

16 Q Do you have any plans to do anything on

17 it as you sit here today?

18 A Oh, if I was going to add everything

19 that's happened since, oh, I think maybe.

20 Q Do you have any plans, Mr. Bond, as you

21 sit here today to market this manuscript?

1 A No. No, I do not.

2 Q Now, you said several times that the
3 book was stolen from you. Who stole the book?

4 A I believe a person named Dudley Hodgson.

5 Q And how did he go about stealing the
6 book?

7 A Well, this was part of a legal file at
8 my attorney's office and when he died I went to his
9 office and got my file from his secretary, which I
10 destroyed, and I asked the secretary at the time
11 where the manuscript was and she told me that if it
12 wasn't in the file that Norman had destroyed it, as
13 he had destroyed a lot of documents before he died.
14 He knew for some time that he was dying and he
15 didn't turn his practice over to other people. The
16 files that he wasn't doing anything on he either
17 gave back to people or destroyed.

18 Q Where was this office that you went to?

19 A In the basement of his house.

20 Q And you asked for your legal file?

21 A Correct.

1 Q And you received your legal file?

2 A I asked for my legal file and the
3 manuscript.

4 Q The manuscript wasn't there?

5 A Correct.

6 Q And why do you believe it was stolen?

7 A Well, because it seems it was still
8 within his confidential custody and his wife didn't
9 have any right, it wasn't her property, she had, it
10 was not a gift to him or anything of the sort, and
11 it turns out, it appears she kept it as a tool to
12 use, and she sure used it, didn't she?

13 Q Oh, you believe Mrs. Pessin has used
14 this against you?

15 A Oh, she certainly has.

16 Q Is she out to hurt you, Mr. Bond?

17 A Certainly she is.

18 Q Does she hate you?

19 A I would say beyond a shadow of a doubt.

20 Q All right. And she would like to do you
21 harm, Mr. Bond?

1 A Absolutely.

2 Q And that's true also of Mr. Blum,

3 Senior?

4 A Oh, yes.

5 Q Mr. Blum, Junior?

6 A Oh, definitely.

7 Q Mr. Slavin?

8 A Definitely.

9 Q Mr. Hodgson?

10 A Definitely.

11 Q The lawyers that you've sued?

12 A I think they're in it for the money.

13 Q So people are either in it to hurt you

14 personally or to get money out of it, right, Mr.

15 Bond?

16 A Yeah, I would say so.

17 Q Do you have a lot of enemies, Mr. Bond?

18 A I'm going to take the Fifth on that.

19 Q What's the basis for taking the Fifth on

20 whether you have a lot of enemies?

21 A I take the Fifth on it.

1 Q Mrs. Pessin, is she a person consumed
2 with hatred for you would you say?

3 A If she's going to be a witness in my
4 criminal trial I'm not going to make any more
5 comments about that.

6 Q Miriam Pessin is going to testify at
7 your criminal trial?

8 A I'm not going to make any more comments
9 about Miriam Pessin. I'll take the Fifth
10 Amendment.

11 Q Why is it Mrs. Pessin hates you?

12 MR. SCHULMAN: Just take the Fifth.

13 A Fifth Amendment.

14 MR. McDANIEL: Pardon?

15 MR. SCHULMAN: Take the Fifth.

16 A I'm going to take the Fifth Amendment.

17 MR. RADDING: Please stop shouting.

18 MR. SCHULMAN: I just wanted to make
19 sure he heard me.

20 MR. RADDING: Can I ask just for a
21 second, Bill, as we're allowed to under the local

1 rules, what's your basis for taking the Fifth on

2 that question?

3 THE WITNESS: It --

4 MR. RADDING: I'm not speaking to you

5 but your counsel.

6 MR. SCHULMAN: Well, there are several

7 predicates. As I stated earlier and I restate in

8 the Plaintiff's Response to Defendants' Request for

9 Production of Documents that you are aware that he

10 has been charged and is subject to prosecution, the

11 charges are presently pending, trial is set for

12 December the 10th in the Circuit Court for

13 Baltimore City, that he's concerned --

14 MR. McDANIEL: Will you get to the

15 point, Mr. Schulman? It's a simple question.

16 MR. RADDING: I think the question was

17 why does Mrs. Pessin hate him, he took the Fifth,

18 and I'm asking the basis of the Fifth as to her

19 hatred of him. It has nothing to do with the trial

20 in this case.

21 MR. SCHULMAN: Well, I think it does.

1 MR. RADDING: Oh, all right. Fine.

2 THE WITNESS: May I make a --

3 MR. SCHULMAN: No, no, you can't say
4 anything.

5 THE WITNESS: No, I do want to say
6 something.

7 MR. SCHULMAN: No, no, no, don't say
8 anything.

9 THE WITNESS: I would like to be
10 addressed formally and not by my first name.

11 MR. SCHULMAN: All right. Yes, and I
12 think that is the local rule of this federal court.

13 MR. RADDING: Well, I didn't call him by
14 his first name.

15 THE WITNESS: You said Bill. Could you
16 read it back, please?

17 MR. RADDING: Oh, no, Bill McDaniel. I
18 was talking to Bill McDaniel.

19 MR. McDANIEL: You know what, I don't
20 mind, Andy.

21 MR. RADDING: I was not addressing you,

1 sir, by your first name.

2 THE WITNESS: Excuse me.

3 MR. MARTIN: How about Mr. Bill?

4 MR. McDANIEL: Well, Mr. Bill to you.

5 MR. RADDING: I'm sorry, Mr. Bill

6 McDaniel.

7 MR. SCHULMAN: And I should also say in

8 further response, all the Fifth Amendments that he

9 has taken are in response to the pending criminal

10 proceeding that's going to be --

11 MR. McDANIEL: You already said that,

12 Mr. Schulman.

13 MR. SCHULMAN: -- on December 10th.

14 MR. RADDING: When I have my chance

15 we'll discuss it, sir.

16 MR. McDANIEL: You've already said that,

17 Mr. Schulman.

18 Q Now, as I understand it, Mr. Bond,

19 you've withdrawn your allegation that the copy of

20 your manuscript was shown on television?

21 A Yes.

1 Q Now, you filed your affidavit on
2 November 2nd in which you said a highlighted copy
3 of the manuscript was shown on television, isn't
4 that you what you said under oath, page 4?

5 A Page 4? Or paragraph 4?

6 Q Of your affidavit.

7 MR. MARTIN: Page 4, last paragraph,
8 paragraph 7.

9 A Yep, that's true.

10 Q Did you bother to look at the TV --

11 A I had seen it.

12 Q Let me finish, Mr. Bond. Did you bother
13 to look at the TV before you filed this under oath,
14 look at a TV, the tape of the TV show?

15 A Time line, I mean I don't know, I don't
16 know. When I first saw it it looked like the book
17 and seeing it a second time it was the police
18 report or something to do, some sort of charging
19 document that highlighted the title of the book,
20 but to me it seemed the same thing.

21 Q Well, you withdraw in your claim, as I

1 understand it --

2 A Yeah, is that okay?

3 Q Can you answer my question, Mr. Bond?

4 A Yes.

5 Q You've withdrawn your claim as I

6 understand it relating to the television show,

7 correct?

8 A Yes, that's correct.

9 Q Have you withdrawn your claim for

10 statutory damages as well?

11 THE WITNESS: Would that be

12 attorney-client privilege?

13 MR. SCHULMAN: Answer it if you can.

14 A Not at this time.

15 Q What's it based on, your claim for

16 statutory damages?

17 A I'm not an expert so I can't --

18 Q Tell me what you think it's based on.

19 You're the plaintiff in this case, right?

20 A I believe I have been damaged.

21 Q How?

1 A My property being taken from a

2 representative of me was wrong.

3 Q And how has that damaged you?

4 A Well, it's led to some criminal charges,

5 it's led to the things being brought up that I

6 didn't necessarily want brought up.

7 Q How else has it damaged you?

8 A The question would be how, how has it

9 not.

10 Q No, my question really is, Mr. Bond, how

11 has it damaged you?

12 A It's too vague. I don't understand the

13 question. If you can ask me specific things, fine,

14 it has not made this summer a pleasant summer, so

15 you know, you know, if you want to know does it

16 affect what kind of toilet paper do I buy, no,

17 you've got to be specific.

18 Q Mr. Bond, how has the theft of your book

19 affected the market value of your book?

20 A I'm not in a position to make that

21 judgment.

1 Q Who is?

2 A I don't know.

3 Q Are you claiming that the market value
4 of your book has been affected?

5 A I don't have any, any opinion on that at
6 the moment.

7 Q So you're not making that claim?

8 MR. SCHULMAN: Objection.

9 A I'm neither making it or not making it
10 at this moment.

11 Q Well, you're plaintiff in this case,
12 Mr. Bond, and I would like to know today whether
13 you're claiming that the use the defendants have
14 made of your manuscript has affected its market
15 value.

16 A I really can't make a comment on that.

17 Q Why not?

18 A I haven't, first of all I really haven't
19 thought about it.

20 Q Do you have any facts as you sit here
21 today that would lead you to believe that the use

1 the defendants have made of your manuscript has

2 affected its market value?

3 A I just said I haven't given it any

4 thought.

5 Q Do you have any facts, Mr. Bond, as you

6 sit here today --

7 A If I haven't given it any thought then I

8 wouldn't have any --

9 Q Mr. Bond, let me finish my question.

10 A But I answered the question.

11 Q Well, you're going to answer it again.

12 As you sit here today, Mr. Bond, do you have any

13 facts that would lead you to conclude that the

14 market value of your manuscript has been damaged by

15 anything the defendants have done?

16 A Now I'll say I answered your question

17 already.

18 Q Do you have any facts, Mr. Bond?

19 A Do I have any facts?

20 Q Right.

21 A Hmm. In my pocket at this moment I do

1 not have any facts.

2 Q Look at your affidavit, which is Exhibit

3 4 from the Grossbart deposition. It's the page

4 after the bill for Mr. Grossbart, which is a letter

5 dated March 19th, 1994. Do you see that?

6 A Uh-huh.

7 Q This is from Mr. Pessin to a person

8 named Michele Lax; is that correct?

9 A Uh-huh.

10 Q Is that right?

11 A Yes.

12 Q And Mr. Pessin sent Ms. Lax the

13 manuscript; is that right?

14 A It appears so.

15 Q Well, you knew he was going to do that,

16 didn't you?

17 A My memory of, you know, the actual

18 people is, you know. Did I ever meet this lady or

19 anything, no. She's a person.

20 Q Why was the manuscript sent to her?

21 A I think she is, she had some contact

1 with the, some lady at the Dell Company, I believe

2 that's what the thing was but I'm not positive.

3 Q Well, the idea was for Ms. Lax to try to
4 get someone at Dell interested in the manuscript?

5 A I think that might, I think that may
6 have been the idea.

7 Q Did Ms. Lax pass the manuscript on to
8 people at Dell?

9 A I, I think so but I'm not positive.

10 Q Now, by this time you had already
11 reached your deal with Mr. Pessin that he would get
12 a percentage of whatever you earned, correct?

13 A Yes.

14 Q Now, Mr. Pessin says in his letter I
15 hope you enjoy the book, and if you feel there is a
16 possibility that something can be done with it,
17 we'll both discuss our participation with the
18 author. Did I read that correctly?

19 A Uh-huh.

20 Q Now, Mr. Pessin at this time in fact had
21 not reached any agreement with you about a

1 percentage, had he, Mr. Bond?

2 A That's not true because he's discussing

3 it.

4 Q He says here that if she likes the book

5 and feels there is a possibility, then you'll

6 discuss participation, correct?

7 A Uh-huh. But if he was going to share it

8 with somebody I think they, they, the two of them

9 were going to come to some sort of discussion, you

10 know, on, on how they would cut it or whatever.

11 Q That's not what it says here, though, is

12 it, Mr. Bond?

13 A Well --

14 Q It says we'll both discuss our

15 participation with the author, doesn't it?

16 A It clearly says that.

17 Q And you were the author, right?

18 A Yes.

19 Q And your testimony earlier that you had

20 reached a deal with Mr. Pessin about a percentage

21 was false, wasn't it, Mr. Bond?

1 A That is not false.

2 Q It's not consistent with this letter,

3 though, is it, Mr. Bond?

4 A I think it sure is.

5 Q Mr. Bond, go a couple pages further on,

6 you'll see a February 16th letter from Mr. Pessin

7 to you. Do you see that?

8 A Uh-huh.

9 Q This is a letter returning the

10 manuscript to you that was sent to Jacqueline

11 Cantor; is that correct?

12 A It appears to be.

13 Q Jacqueline Cantor was a person with Dell

14 Publishing; is that right?

15 A I think so but I'm not positive.

16 Q She also received a copy of your

17 manuscript; is that correct?

18 A Which it, it appears she gave back.

19 Q Did she receive a copy of your

20 manuscript, Mr. Bond?

21 A She must have to give it back.

1 Q Look at the next letter which is dated
2 May 6th, 1998, please. This is the letter to you
3 from Mr. Pessin; is that correct?

4 A Uh-huh.

5 Q Yes or no?

6 A Yes.

7 Q And this letter deals with Mr. Atchity;
8 is that right?

9 A Uh-huh.

10 Q Yes or no, please.

11 A Yes.

12 Q And in this letter Mr. Pessin tells you
13 that it was Mr. Atchity's position that he wasn't
14 interested in doing any business with you, correct?

15 A At that time.

16 Q Mr. Atchity gave two reasons. The first
17 was you refused to go in Atchity's direction
18 concerning the book. Do you know what that refers
19 to?

20 A I think I'm going to take the Fifth
21 Amendment on that.

1 Q How about the second, the way your
2 relationship ended turned Atchity off to the extent
3 he doesn't even want to discuss the matter? Do you
4 know what that refers to?

5 A I'm going to take the Fifth also.

6 Q Well, you threatened Mr. Atchity with
7 personal harm, didn't you, Mr. Bond?

8 A I'm going to take the Fifth Amendment on
9 that.

10 Q The fact is, Mr. Bond, that Mr. Atchity
11 felt misled by you, didn't he?

12 A I'm going to take the Fifth Amendment on
13 that.

14 Q You told Mr. Atchity that you were
15 writing this book from the perspective of a person
16 who had been rehabilitated, right, Mr. Bond?

17 A I'm going to take the Fifth Amendment on
18 that.

19 Q And in fact Mr. Atchity came to believe
20 that you had not been rehabilitated; isn't that
21 correct?

1 A I take the Fifth Amendment on that.

2 Q Mr. Atchity told you that he felt that
3 you didn't appreciate the enormity of the crime
4 you've committed; isn't that what he told you?

5 A I'm going to take the Fifth Amendment on
6 that.

7 Q You became enraged at Mr. Atchity's
8 attitude, didn't you, Mr. Bond?

9 A I'm going to take the Fifth Amendment on
10 that.

11 Q What's funny to you, Mr. Bond?

12 MR. SCHULMAN: Don't, don't answer him.

13 Q No, I'd like to know, you're laughing in
14 this deposition which I take very seriously. I'd
15 like to know what's funny. Can you tell me? Is
16 this proceeding funny to you? Can you tell me,
17 Mr. Bond?

18 (No response.)

19 THE VIDEOGRAPHER: Excuse me. This is
20 the end of tape number 1. We're now going to tape
21 number 2. Off the record at 5:05 p.m.

1 (Pause in the proceedings.)

2 THE VIDEOGRAPHER: This is the beginning
3 of tape number 2. We're back on the record at 5:06
4 p.m.

5 MR. RADDING: If I may, Mr. McDaniel,
6 Mr. Schulman, I point out guideline 5 of the local
7 discovery rules, guideline 5D, it is presumptively
8 improper to instruct a witness not to answer a
9 question during the taking of a deposition unless
10 under the circumstances permitted by 30(b)(1) which
11 are basically privileged.

12 You had advised Mr. Bond just before the
13 break not to answer a question and I just wanted to
14 remind you of that guideline. I'm sorry, Mr.
15 McDaniel.

16 MR. SCHULMAN: I don't think that
17 guideline gives counsel a license to abuse the
18 witness.

19 MR. RADDING: I don't think there was
20 any abuse. He asked him why he was laughing in the
21 middle of a very serious deposition. I would have

1 liked to know the answer to that too, sir.

2 MR. McDANIEL: Mark this, please.

3 (Exhibit 6 marked.)

4 Q Do you have in front of you, Mr. Bond,

5 what's been marked as Exhibit 6 for your

6 deposition?

7 A It says exhibit --

8 MR. SCHULMAN: I want to do one thing, I

9 want to withdraw. Go ahead and answer his

10 question.

11 MR. McDANIEL: No, Mr. Schulman --

12 MR. SCHULMAN: No, you --

13 MR. McDANIEL: No, please.

14 MR. SCHULMAN: Go ahead and answer the

15 question.

16 MR. McDANIEL: Mr. Schulman, please,

17 I've moved on.

18 MR. SCHULMAN: No, I -- Mr. Radding's, I

19 don't think Mr. Radding is correct but I don't want

20 it to be suggested that I have instructed the

21 witness not to answer, so you can go ahead and

1 answer the question about why you were laughing.

2 MR. McDANIEL: Mr. Schulman, you can ask

3 him later if you'd like. I'd like to move on to

4 this exhibit.

5 MR. RADDING: Mr. Schulman, stop

6 interrupting Mr. McDaniel's deposition, okay?

7 Q What exhibit do you have in front of you

8 there, Mr. Bond?

9 A I don't know.

10 Q What's the -- well, can you take a look?

11 A It says number 3 up here.

12 Q Look down at the bottom.

13 A Number 6.

14 Q Exhibit 6 for this deposition.

15 A Uh-huh.

16 Q This is a letter from you to Mr. Kenneth

17 Blum.

18 MR. SCHULMAN: I'd like to read the

19 document, please.

20 MR. McDANIEL: Do you have a copy? I

21 handed you a copy of the document, I thought.

1 MR. SCHULMAN: I don't have a copy.

2 MR. McDANIEL: I thought I handed you
3 one.

4 THE WITNESS: It's right there. It's
5 underneath.

6 MR. SCHULMAN: Oh, it's underneath of
7 that. I'm sorry.

8 A I've already answered questions about
9 this in the previous custody deposition.

10 Q Mr. Bond, is this a letter from you to
11 Mr. Blum?

12 A I take the Fifth Amendment to the whole
13 thing.

14 MR. MARTIN: Fifth Amendment?

15 MR. SCHULMAN: Are we playing by the
16 same rules? I mean was he asked this question
17 before?

18 MS. GRIFFIN: He didn't answer questions
19 at his other deposition at all, so.

20 MR. MARTIN: He didn't answer any
21 questions.

1 MR. McDANIEL: He took the Fifth like
2 he's taking now.

3 THE WITNESS: And I'm going to take the
4 Fifth now.

5 MR. MARTIN: Howard, I'd like an
6 explanation on this record as to why this letter
7 has anything to do with his ability to take the
8 Fifth Amendment in his criminal case, because it --

9 MR. SCHULMAN: Well, I think what, I
10 think what he's concerned is that anything --

11 MR. MARTIN: I don't care what his
12 concern is, I want you to focus on the Fifth
13 Amendment in his criminal case.

14 MR. SCHULMAN: I'm going to focus on it,
15 all right? It's his expectation that anything
16 that's said, anything that's looked at here will be
17 turned over by the defendants to the prosecutors.
18 Obviously there's been a continuing contact with
19 the prosecution. We view one or more of the
20 defendants here in this room as, in a sense de
21 facto agents for the state, and we can anticipate

1 that anything that's said one way or the other will
2 be turned over potentially to the prosecution as
3 was the manuscript in question.

4 MR. MARTIN: Howard, it doesn't matter
5 what's turned over to the prosecutor, the issue is
6 with respect to his Fifth Amendment privilege in
7 that case what is there in this letter, if you can
8 make a proffer, that would possibly, how he could
9 possibly even be incriminated by a letter he wrote
10 to Ken Blum in when, 1996?

11 MS. GRIFFIN: Yes.

12 MR. McDANIEL: Which has nothing to do
13 with --

14 MR. MARTIN: Which has nothing to do
15 with this case.

16 MR. SCHULMAN: It could very, it could
17 very well be used against him even in a sentencing
18 stage as well as --

19 MR. MARTIN: Well, So could the Bible.

20 MR. SCHULMAN: Or in some form
21 cross-examination.

1 MR. McDANIEL: Well, Mr. Schulman --

2 MR. MARTIN: I think this is an abuse of
3 the process to do this, Howard, and I'm, I'm just
4 going to have to do something about it.

5 MR. RADDING: If I may, guideline 6 of
6 the local discovery guidelines, which are attached
7 to the local rules, Mr. Schulman, specifically
8 6(a)(1) and (2), speaks to the privilege and I
9 would suggest that you might want to read it
10 because, Mr. Schulman, the Fifth and other
11 privileges are to be asserted when there's a basis.
12 And like Mr. Martin and Mr. McDaniel, I cannot
13 understand the basis. If you've got a basis, why
14 don't you proffer it?

15 THE WITNESS: Howard?

16 MR. SCHULMAN: I stated my basis and I
17 think that's sufficient.

18 MR. MARTIN: Okay.

19 Q Mr. Bond, turn if you would to page 9 of
20 your letter.

21 A I'm not turning to any page, and I'm

1 taking the Fifth on that one.

2 Q In this letter on page 9 you state that
3 you wrote an autobiography. Is that a reference to
4 the book which is Exhibit 4?

5 A I'm taking the Fifth on that.

6 Q You state here you used a Hollywood
7 connection to get an agent for you. Who is that
8 Hollywood connection?

9 A I'm taking the Fifth.

10 Q And who was the agent that you got?

11 A Taking the Fifth.

12 Q Did you give a copy of the manuscript to
13 Clifton Fadiman?

14 A Taking the Fifth.

15 Q You're taking the Fifth Amendment on
16 whether you gave a copy of the manuscript to
17 Clifton Fadiman?

18 A Taking the Fifth.

19 MR. McDANIEL: Well, Mr. Schulman,
20 you're going to permit this?

21 A The prosecution has this letter.

1 Q So what? My question is --

2 MR. SCHULMAN: Don't get in dialogue

3 with opposing counsel.

4 Q My question is --

5 MR. SCHULMAN: He has taken, he has

6 taken the Fifth and I'm instructing him to take the

7 Fifth.

8 MR. McDANIEL: On whether he gave the

9 manuscript to Clifton Fadiman? Okay.

10 Q You gave the manuscript to Clifton

11 Fadiman, didn't you, Mr. Bond?

12 A I'm taking the Fifth Amendment.

13 Q You gave the manuscript to Paul Dinas,

14 D-I-N-A-S?

15 A Taking the Fifth.

16 Q You gave the manuscript to Kensington

17 Publishers; isn't that correct?

18 A Taking the Fifth.

19 Q Now, you state in here you had a single

20 patron. You also gave the manuscript to your

21 patron; isn't that correct?

1 A Taking the Fifth.

2 Q Who was the patron to whom you gave the
3 manuscript, Mr. Bond?

4 A I'm taking the Fifth.

5 Q Mr. Bond, did you maintain a website
6 called Dear Bill?

7 A I'm going to take the Fifth Amendment.

8 MR. McDANIEL: Mark that, please.

9 (Exhibit 7 marked.)

10 Q You have in front of you what's been
11 marked as Exhibit 7; is that correct?

12 A Yes.

13 Q These are excerpts from a website called
14 Dear Bill; is that right?

15 A I'm going to take the Fifth Amendment.

16 Q And this is a website that you put up on
17 the worldwide web; isn't that correct, Mr. Bond?

18 A I'm going to take the Fifth Amendment.

19 Q What you said on the website was my name
20 is Bill, I killed my father when I was 17, I went
21 to jail and then to a mental hospital; isn't that

1 correct?

2 A I'm going to take the Fifth Amendment.

3 Q And then you state that after you got

4 out of jail you spent about twelve years writing

5 and marketing your life story; isn't that correct?

6 A I take the Fifth Amendment.

7 Q You didn't say anywhere in this

8 worldwide web page that the story you were

9 marketing was fiction, did you, Mr. Bond?

10 A I take the Fifth Amendment.

11 Q In fact you presented it on your

12 worldwide web page as though it were a true story;

13 isn't that right?

14 A I'm going to take the Fifth Amendment.

15 Q You state in here that you had a

16 big-time Hollywood agent but nobody in the

17 publishing world wanted to give me money because I

18 told my story in the unremorseful point of view of

19 the person I was at the time of my father's death,

20 isn't that you put on the web?

21 A I take the Fifth Amendment.

1 Q You said in the website that you had,
2 which is Exhibit 7, that you thought that your
3 approach was an honest approach; isn't that
4 correct?

5 A I take the Fifth Amendment.

6 Q And you said you didn't want to take
7 what you call a phony apologetic approach; isn't
8 that right?

9 A I take the Fifth Amendment.

10 Q Now, you go on to say that your
11 experiences have helped your stepchildren; isn't
12 that what you said?

13 A I'll take the Fifth Amendment.

14 Q And you referred to your experiences as
15 facts about your life; isn't that correct?

16 A I'll take the Fifth Amendment.

17 Q Well, Mr. Bond, in light of this
18 wouldn't you agree with me that your testimony and
19 your affidavit in this case that this book was
20 fiction was perjury?

21 A I take the Fifth Amendment.

1 MR. McDANIEL: Would you mark that,
2 please?

3 (Exhibit 8 marked.)

4 Q Mr. Bond, you have in front of you
5 Exhibit 8 to your deposition; is that correct?

6 A Let me see. Yep.

7 Q This is a letter from you to Gerry
8 Messerman; is that right?

9 A Yes.

10 Q And in this letter you state that you
11 want legal documentation related, excuse me, to
12 certain criminal charges against you, correct?

13 A Yep.

14 Q And the criminal charges were the
15 charges about you murdering your father; isn't that
16 right?

17 MR. SCHULMAN: Take the Fifth.

18 A Take the Fifth.

19 Q Well, you've offered, you're going to
20 offer this document in evidence, aren't you,
21 Mr. Bond? Isn't that why it has this plaintiff's

1 exhibit number up top?

2 MR. SCHULMAN: He's going to take the

3 Fifth and he's also, it's also the form of the

4 question, I think that's your problem here.

5 MR. McDANIEL: Well, wait. I'll correct

6 the form but if you're going to tell me he's going

7 to take the Fifth then what difference does the

8 form make?

9 MR. SCHULMAN: Well, I'm not saying

10 that.

11 MR. McDANIEL: I didn't think so.

12 MR. SCHULMAN: Try the next question.

13 MR. McDANIEL: Tell me what's wrong with

14 the form, Mr. Schulman.

15 MR. SCHULMAN: Do you want to leave the

16 room?

17 MR. McDANIEL: No, he doesn't have to

18 leave, he can hear you say it.

19 MR. SCHULMAN: You keep referring to the

20 murder. There has been no adjudication of murder,

21 there's been no factual finding of murder.

1 Q Did you murder your father, Mr. Bond?

2 MR. SCHULMAN: Take the Fifth.

3 MR. McDANIEL: Well, the inference is
4 going to be drawn that he did, Mr. Schulman.

5 MR. SCHULMAN: Well, that's --

6 MR. McDANIEL: And so I'm therefore
7 entitled to ask the question with the word murder.
8 There's no doubt he murdered his father. He may
9 find it amusing as we sit here today, I don't.

10 MR. SCHULMAN: Take, take, take the
11 Fifth.

12 A I'm taking the Fifth Amendment.

13 Q Well, you wrote this letter to Mr.
14 Messerman; is that correct?

15 A Yes.

16 MR. McDANIEL: Well, you can't, Mr.
17 Schulman, take the Fifth on part of the letter and
18 not on other parts. I mean this is what we mean by
19 your abuse of the privilege.

20 MR. SCHULMAN: I don't think your
21 question has anything to do with this letter.

1 MR. McDANIEL: I asked him if the
2 charges that he's referring to in here were the
3 murder charges placed against him when he beat his
4 father to death with a hammer. That's what's
5 stated right in here.

6 MR. SCHULMAN: He's going to take the
7 Fifth.

8 A I take the Fifth Amendment.

9 MR. McDANIEL: How can, Mr. Schulman,
10 can you tell me how you can offer this document
11 into evidence if he takes the Fifth on my
12 questions? Can you address this inconsistency?

13 MR. SCHULMAN: We'll do it on Tuesday.

14 Q All right. Now, you said you wanted
15 charging papers from Mr. Messerman; is that
16 correct?

17 A I'm going to take the Fifth Amendment.

18 Q You're going to take the Fifth Amendment
19 on all questions about this letter?

20 A Yes.

21 Q So I can ask you all the things you

1 asked for for Mr. Messerman and you wouldn't tell

2 me --

3 A You could ask me if the colon is in

4 there and I would take the Fifth Amendment.

5 Q Okay. You're sure of that?

6 MR. SCHULMAN: Well, let's confer.

7 MR. McDANIEL: I'm going to move on.

8 You want to clear up --

9 MR. SCHULMAN: I'm willing to confer, I

10 think you can get some answers, but.

11 MR. McDANIEL: I want to move on. He's

12 taken the Fifth.

13 MR. SCHULMAN: You're not going to let

14 me confer with him?

15 MR. McDANIEL: Mr. Schulman, you've

16 advised him to take the Fifth, he's taken it

17 repeatedly. He told me he wouldn't even tell me if

18 there's a colon on the page.

19 MR. SCHULMAN: Well --

20 MR. McDANIEL: Are you going to let him

21 answer questions?

1 THE WITNESS: I'll just take the Fifth

2 on it.

3 MR. SCHULMAN: Let's go outside and

4 talk.

5 THE VIDEOGRAPHER: Off the record at

6 5:19.

7 (Pause in the proceedings.)

8 THE VIDEOGRAPHER: 5:21 p.m. We're back

9 on the record.

10 Q Mr. Bond, anything you want to say?

11 MR. SCHULMAN: I will instruct the

12 witness that he can answer all questions of counsel

13 other than as to what the underlying charges were

14 or any details concerning those underlying charges.

15 He can certainly otherwise inquire as to anything

16 else in here and we'll take it on a question by

17 question basis.

18 Q Did you -- you state in this letter,

19 which is Exhibit 8, pursuant to our conversation on

20 August 15th in conference with Robert Grossbart.

21 Did you mean that you had a three-way telephone

1 conversation?

2 A With Robert Grossbart, yes.

3 Q And what did you discuss in that

4 conversation with Mr. Messerman?

5 MR. SCHULMAN: You can answer generally.

6 MR. McDANIEL: No, I want to know

7 specifically. I don't want to know generally, I

8 want to know what he said and what Mr. Messerman

9 said what Mr. Grossbart said.

10 A I don't have a direct memory of the

11 conversation. Obviously the things that were put

12 in this letter were asked for. I think that the,

13 whatever marketing that Grossbart had in mind was

14 discussed with Gerry and that's basically it.

15 MR. McDANIEL: Mr. Schulman, what are

16 you doing?

17 MR. SCHULMAN: I'm telling the witness

18 not to get into anything concerning legal advice

19 that was imparted by Mr. Messerman.

20 Q Did Mr. Messerman give you legal advice

21 in this phone call?

1 A I'm not going to answer that.

2 Q No, you can answer it yes or no. Did he
3 give you legal advice in the phone call?

4 A I don't recollect.

5 Q Why didn't you send a copy of this
6 letter to Mr. Grossbart?

7 A I don't know.

8 Q Did you obtain these documents that you
9 asked for from Mr. Messerman?

10 A He has copies of these.

11 Q Did you obtain these documents,
12 Mr. Bond, from Mr. Messerman?

13 A No.

14 Q So he never answered your letter?

15 A Yes.

16 Q He said he wouldn't send them to you?

17 A He did answer it.

18 Q Did he send you these documents?

19 A Yes.

20 Q I just asked you if you obtained them

21 and you told me no.

1 A I think you asked me if he sent me a
2 letter or something.

3 Q No, I said did you obtain these
4 documents from Mr. Messerman?

5 A I think I'm going to take the Fifth on
6 that.

7 Q Did you pass along these documents to
8 Mr. Grossbart?

9 A I think I'm going to take the Fifth on
10 that.

11 Q All of these documents you asked for
12 were in connection with the charges against you for
13 your beating your father to death with a hammer,
14 right?

15 A I take the Fifth on that.

16 MR. McDANIEL: Mark that, please.

17 (Exhibit 9 marked.)

18 Q Do you have in front of you what's been
19 marked as Exhibit 9 for your deposition?

20 A Okay.

21 Q Do you have that in front of you, sir?

1 A Yeah.

2 Q I can't hear you.

3 A Yeah.

4 Q This is a letter from you to Mr. Pessin?

5 A Yes.

6 Q Did you send this letter?

7 A Yes.

8 Q You were upset with the lack of progress
9 being made by Mr. Pessin in selling your book?

10 A I don't see the word upset.

11 Q Well, you say appropriate progress is
12 not being made. Was that your view?

13 A At the time? It must have been.

14 Q Well, was it or wasn't it, Mr. Bond?

15 A At the time it must have been. I don't
16 have perfect recollection of, you know, what was
17 going on at that time.

18 Q Do you have any recollection of what
19 your view was about the progress and the placement
20 of your book?

21 A Well, it didn't get placed so there must

1 not have been any progress.

2 Q Do you have any recollection as you sit
3 here today, Mr. Bond, about why you believe the
4 appropriate progress was not being made?

5 A I can't remember why I formed that
6 opinion.

7 Q Did Mr. Pessin return the manuscript to
8 you in response to this letter?

9 A I believe whenever I saw him at one
10 point he gave me back the book.

11 Q Then you sent him another copy of the
12 manuscript later?

13 A Well, I would have given it to him, I
14 wouldn't have sent it to him.

15 Q You later provided him with another copy
16 of the manuscript?

17 A Yep.

18 Q Yes?

19 A Yep.

20 Q And it was this second copy that you
21 gave him which was the expanded version; is that

1 correct?

2 A Actually for some reason I think he's
3 still got the first copy, because obviously that's
4 what you have, so I don't, I don't know if he ever
5 got the second copy or whether he got the second
6 copy and mailed it off to Atchity and kept the
7 first copy or something, I don't know.

8 MR. McDANIEL: Mark that, please.

9 (Exhibit 10 marked.)

10 Q Do you have Exhibit 10 in front of you,

11 Mr. Bond?

12 A Yeah.

13 Q This is a letter to Mr. Pessin from

14 Jacqueline Cantor; is that right?

15 A Uh-huh.

16 Q And you were furnished with a copy of

17 this letter by Mr. Pessin?

18 A I believe so.

19 Q And in this letter Ms. Cantor returns

20 the manuscript that you wrote of a book called

21 Psycho Killer; is that right?

1 A Uh-huh.

2 Q Yes?

3 A Yes.

4 Q And at one time wasn't Psycho Killer the

5 title of your book?

6 A I believe so.

7 MR. SCHULMAN: At some point when it's

8 convenient I'd like to take a break.

9 MR. McDANIEL: Okay. In a couple

10 minutes.

11 Would you mark that, please?

12 (Exhibit 11 marked.)

13 Q Mr. Bond, Exhibit 11 is in front of you;

14 is that right?

15 A Yeah.

16 Q This is a letter in the form of a

17 memorandum from you to Norman Pessin; is that

18 right?

19 A Uh-huh.

20 Q It's dated 9-29-96?

21 A Right.

1 Q You state down here in this document, I
2 think it has, I think the first page is, first two
3 pages are the same of this document.

4 A Yeah.

5 Q The way it was presented to us. Now,
6 you, on the last page, I direct your attention to
7 the last page.

8 A Yeah.

9 MR. SCHULMAN: I should explain why, I
10 should explain why that was done. The copying
11 service was supposed to have copied the exhibits
12 with the tags and they neglected to do so, so in
13 order to get the documents here as best we could in
14 a short period of time we did that, or my staff did
15 it.

16 Q You state in the letter on the last
17 page, Mr. Bond, I would like to hire you as an
18 attorney to help me find investors to help me raise
19 50 thousand dollars in return for a 10 percent
20 stake in my story. Is that what you said?

21 A It seems that's what I said.

1 Q Did you retain Mr. Pessin to help you
2 find investors?

3 A Let's see, what year is this?

4 Q 1996.

5 A I don't think that ever went anywhere
6 because I don't think I ever got 50 thousand
7 dollars.

8 MR. MARTIN: That wasn't the question.

9 MR. McDANIEL: Yeah. Thank you, Jerry.

10 Q Did you ever retain Mr. Pessin --

11 A Excuse me, the question, the question
12 was did I ever get investors.

13 Q No, no, Mr. Bond. If you'd listen to
14 the question it was did you ever retain Mr. Pessin
15 to help you find investors. That was the question.
16 Now, did you or didn't you?

17 A Did I retain him. Hmm. I certainly
18 asked him. I don't know if that, if that
19 qualifies.

20 Q Did you hire him to do that? You say
21 here I would like to hire you. Did you in fact

1 hire him?

2 A We discussed it.

3 Q Did you in fact hire him to do that for
4 you?

5 A As I said, the idea I don't think went
6 anywhere.

7 Q So you did not hire Mr. Pessin to find
8 investors?

9 A At that particular time I do not believe
10 so.

11 Q Did you ever hire Mr. Pessin to find
12 investors for you?

13 A To find, to find investors. No, I don't
14 think so.

15 MR. McDANIEL: Mark this, please.

16 (Exhibit 12 marked.)

17 Q Do you have Exhibit 12 in front of you,
18 Mr. Bond?

19 MR. MARTIN: What's the number on that
20 that Howard put on it?

21 MR. McDANIEL: 36 maybe.

1 MR. SCHULMAN: 3L.

2 MR. McDANIEL: 3L, okay.

3 Q Do you have that in front of you,

4 Mr. Bond?

5 A Uh-huh.

6 Q This is a letter to Mr. Pessin from you

7 dated 4-9-98; is that correct?

8 A Uh-huh.

9 Q In this document you refer to your

10 introduction to Ken Atchity as having been made by

11 Paul Aratow; is that right?

12 A Uh-huh.

13 Q Did you provide a copy of the manuscript

14 to Mr. Aratow?

15 A Hmm. I don't think so.

16 Q Did you provide a copy of the manuscript

17 to Steven de Sousa?

18 A I believe he had a copy that he gave to

19 Ken Atchity.

20 Q Mr. de Sousa?

21 A Yes.

1 Q In addition Mr. Pessin sent Mr. Atchity
2 a copy?

3 A I think what Mr. Pessin gave him was
4 the -- I think maybe Pessin sent him the contract
5 when he looked at it. I know Pessin sent Atchity
6 something.

7 Q Where did Mr. de Sousa get his copy?

8 A From a lady named Valerie Marzouca.

9 Q And where did Valerie Marzouca get her
10 copy?

11 A From me.

12 Q And it says here Valerie wrote Steven?

13 A Uh-huh.

14 Q Who is Steven?

15 A De Sousa.

16 Q Okay. So you gave a copy to Ms.
17 Marzouca?

18 A Uh-huh.

19 Q She gave it to Mr. de Sousa?

20 A Yes.

21 Q He gave it to Mr. Atchity?

1 A Correct.

2 Q None of those people being lawyers,

3 correct?

4 A Paul Aratow might be a lawyer, I'm not

5 sure.

6 Q He didn't get a copy though, did he?

7 A I'm not sure whether it passed through

8 his hands or not, I really don't know.

9 Q Well, a second ago you told me he

10 didn't.

11 A I said I thought he didn't but I'm not

12 positive.

13 Q Well, Mr. de Sousa, Ms. Marzouca, Mr.

14 Atchity, none of them are lawyers, right?

15 A To the best of my knowledge.

16 Q Did Jeff Herman ever have a copy of the

17 manuscript?

18 A Jeff Herman, where is that in there?

19 His partner, Atchity's partner. I don't know, I

20 have no idea.

21 Q You state here that 27 publishers and

1 three film companies reviewed the book proposal,
2 yet all found the full manuscript to be flawed. Do
3 you see that?

4 A I do see it.

5 Q Was your full manuscript sent out to 27
6 publishers and three film companies?

7 A I'm not positive on those facts.

8 Q That's what you wrote to Mr. Pessin,
9 correct?

10 A Again, I'm not positive on those facts.

11 Q That's what you wrote to Mr. Pessin,
12 right?

13 A It appears that's what I wrote.

14 Q Well, you say it appears that's what you
15 wrote, Mr. Bond. Do you have some doubt that you
16 wrote that to Mr. Pessin?

17 A Well, I don't see where I was under
18 perjury to sign this, this particular one.

19 Q My question is do you have any doubt
20 that this is what you wrote to Mr. Pessin?

21 A Did I send that to Mr. Pessin, yes.

1 Q And you told him that the manuscript had
2 been sent to 27 publishers and three film
3 companies, didn't you?

4 A Uh-huh.

5 Q Right?

6 A That's what I said in that letter.

7 Q All right. And then you're telling me
8 now that might have been a lie?

9 A Strong, strong language.

10 Q Are you telling me now that might have
11 been a lie, Mr. Bond?

12 A I'm not going to answer that question.

13 Q Why not?

14 A I think you're being rude to me.

15 Q Mr. Bond, I'm asking you whether your
16 letter here to Mr. Pessin was a lie or was true.
17 Could you answer it, please?

18 A At the time I'm sure I felt that that
19 was true.

20 Q Did you ever hire an editor or work with
21 an editorial consultant or ghostwriter on your

1 book?

2 A No.

3 Q Did you ever submit your manuscript to
4 any editorial consultants or ghostwriters?

5 A No.

6 MR. McDANIEL: Take a break?

7 THE VIDEOGRAPHER: Off the record at

8 5 --

9 MR. SCHULMAN: I just need 5 minutes.

10 MR. McDANIEL: That's fine.

11 THE VIDEOGRAPHER: Off the record at
12 5:35.

13 (Brief recess.)

14 THE VIDEOGRAPHER: 5:46 p.m. We're back
15 on the record.

16 Q Mr. Bond, I want to show you the text
17 part of what was marked as Exhibit 4, and I'm just
18 going to pick a page at random and show it to you
19 and ask you to tell me what page that is.

20 A Can't tell.

21 Q Read it to me, please.

1 A Can't read it.

2 Q Why can't you read it?

3 A Because it's stenciled.

4 THE VIDEOGRAPHER: Your microphone, Mr.

5 McDaniel. Thank you.

6 MR. McDANIEL: Welcome.

7 Q Is that true of all the pages of Exhibit

8 4?

9 A Yes.

10 Q Do you contend that any of the

11 defendants copied exhibit, what is Exhibit 4?

12 A No.

13 MR. SCHULMAN: I'm going to object to

14 the form of the question.

15 MR. McDANIEL: What's your basis?

16 MR. RADDING: As to what?

17 MS. GOLDMAN: It's too late.

18 MR. McDANIEL: It's too late now, that's

19 right.

20 Q Now, Mr., Mr. Bond, your counsel

21 produced some files, and maybe it's just quicker

1 for you to tell me, Mr. Schulman. These files that
2 you produced which you've marked as exhibits, are
3 these Mr. Pessin's files relating to Alyson Slavin?

4 MR. SCHULMAN: Yes.

5 MR. McDANIEL: Okay. Did you produce --

6 MR. SCHULMAN: And I have the original
7 in my possession, if anybody cares to look at it,
8 so.

9 Q You say you went to Mr. Pessin's and you
10 obtained his file about you, Mr. Bond?

11 A Excuse me?

12 Q You went to Mr. Pessin's office after he
13 died and obtained his file about you?

14 A Correct.

15 Q Did you destroy that file?

16 A Yes.

17 Q Why?

18 A Just didn't think I'd have any future
19 need for it.

20 Q What is it you obtained when you went
21 there?

1 A Whatever suits that he handled for me
2 before. There was a suit against this Kramer kid,
3 a suit about a car accident, that was it, some
4 miscellaneous things.

5 Q Was there a file about the manuscript?

6 A No, because I kept those things
7 separately.

8 Q Was there a file that you obtained from
9 Mr. Pessin's secretary about your manuscript and
10 his representation of you in connection with that
11 manuscript?

12 A Probably some of those letters came out
13 of the file that I got. I don't have like the
14 manila envelope thing that you're seeing that
15 Alyson has.

16 Q Was there such a file like you refer to
17 the manila envelope thing, that you obtained from
18 Mr. Pessin about the manuscript?

19 A Yeah.

20 Q And what did it say?

21 A It was just copies of whatever letters

1 that we've, we've given.

2 Q You saved those but you destroyed

3 everything else?

4 A Right.

5 Q Why?

6 A Because I still had the book.

7 Q And you destroyed the manila folder?

8 A Right. Well, it came, it was like, I

9 want to think that maybe they didn't come out of it

10 so easy or something. It was like a, a, one of

11 these like brown expandable folders, and I think

12 the pockets were built into it, I think that's --

13 on this particular one.

14 Q They weren't like these folders that

15 Alyson Slavin has?

16 A Well, there was a folder in there like

17 that.

18 Q Dedicated to your manuscript?

19 A I think it was probably called Bill book

20 or something like that.

21 Q And you removed the papers from it?

1 A Right.

2 Q And destroyed the folder?

3 A Right.

4 Q And why did you do that?

5 A Because I didn't have a legal, my file

6 cabinets don't hold those size folders.

7 Q And you kept everything that was in the

8 folder?

9 A Uh-huh.

10 Q Okay.

11 MR. McDANIEL: I don't have anything

12 further.

13 MR. MARTIN: Do you want to go, Andy?

14 MR. RADDING: All right. I'll go

15 briefly.

16 THE VIDEOGRAPHER: If you'll take Mr.

17 McDaniel's microphone.

18 MR. RADDING: Oh, sure.

19 MR. MARTIN: Well, why don't I, let me

20 ask a couple of questions while you're putting the

21 microphone on.

1 MR. RADDING: Go ahead.

2 EXAMINATION BY MR. MARTIN:

3 Q Mr. Bond, you testified here today that
4 Mr. Hodgson stole your manuscript. Do I have that
5 right?

6 A I believe I said that.

7 Q That's your opinion that he stole the
8 manuscript?

9 A That's my opinion, yes.

10 Q And you said you were damaged by his
11 theft of that manuscript because it led to the
12 criminal charges against you?

13 A Clearly.

14 Q Tell me how it led to the criminal
15 charges against you.

16 MR. SCHULMAN: I'm going to instruct him
17 not to answer that question.

18 MR. MARTIN: Wait a minute, Howard.
19 Give me a, give me a basis for that. He can't, he
20 can't testify that it led to the criminal charges
21 and not tell me why he believes it led to the

1 criminal charges, that's just preposterous that you
2 could do that. You can't claim the privilege that
3 way.

4

5 MR. SCHULMAN: He'll be --

6 MR. MARTIN: If he says A he has got to
7 tell me why he's saying A. He's already said A and
8 you let him say it.

9 MR. SCHULMAN: December 10th, 2001 is
10 why he's not going to answer that question.

11 MR. MARTIN: Howard, I'm going to ask
12 for sanctions against both you and him.

13 MR. SCHULMAN: You can --

14 MR. MARTIN: You cannot claim this
15 privilege.

16 MR. SCHULMAN: You go right ahead.

17 Q And tell me something, Mr. Bond, if you
18 look at Exhibit 2 to your deposition, or, yeah,
19 exhibit, Exhibit 1 to your deposition, the last
20 page. Do you think what you put on the last page
21 of that had anything to do with the criminal

1 charges that were brought against you?

2 A I'll take the Fifth Amendment.

3 Q I bet you will.

4 MR. MARTIN: I don't have anything

5 further.

6 EXAMINATION BY MR. RADDING:

7 Q Mr. Bond --

8 MR. RADDING: Are you done?

9 MR. MARTIN: (Nodding head indicating

10 yes.)

11 Q -- do you remember your affidavit that's

12 been referred to here numerous times?

13 A Yes, sir.

14 Q Well, in paragraph 2 of your affidavit,

15 and I'm sure it's right in front of you there.

16 A It's somewhere in the pile. Can I just

17 find it, please?

18 Q Sure. Sure.

19 A Okay. Paragraph 2.

20 Q Paragraph 2. Have you got that?

21 A Yes, sir.

1 Q You say, the second line, Mr. Grossbart
2 also assisted me in developing a manuscript which
3 would be a fictionalized and embellished account of
4 my experience in Ohio as a juvenile in which I was
5 found delinquent in the death of my father. Do you
6 see that sentence?

7 A Yes, sir.

8 Q I want to focus on the word developing.
9 What did you mean by developing a manuscript?

10 A Well, you know, we've gone back and
11 forth here with a little bit of the time line, and
12 I think that the accurate thing is that when, when
13 Robert Grossbart in that previous letter with the
14 attorney and the conference call and all that
15 business, I don't think that there was a manuscript
16 per se that existed, I think there was an idea.
17 Okay? So when he called his cousin in California,
18 who was some, quote/unquote, hotshot entertainment
19 kind of guy, you know, he was, he was trying to get
20 an idea of what might be a way to package that
21 story or pitch that story or, you know, any of the

1 things that those people do. That's what I mean by
2 develop.

3 Q Well, except your affidavit goes on, if
4 you want to read the rest of that paragraph 2, that
5 he was, he was getting, he assisted you in getting
6 information and advised about publication and a
7 publisher. So it seems like in here, in paragraph
8 2, you're talking more than just finding someone to
9 pitch it to in California, you're talking about
10 developing the manuscript.

11 A Yeah. Well, that's what he, he was
12 through his cousin going to try to find both film
13 and print people.

14 Q But you use the phrase developing a
15 manuscript. You say later a manuscript didn't
16 exist but he was helping to develop it. Did you
17 intend to say there that he was helping to
18 essentially create, give birth to the manuscript?

19 A Well, you know, you can tell a story
20 many different ways and I think that was what I'm
21 referring to in the discussions with him and more

1 specifically his discussions with his relative who
2 was in the entertainment business.

3 Q Well, but that is a discussion, that is
4 an attempt to find a publisher and consulting with
5 others, which you mentioned later. Again, I'm
6 going back to what you say earlier, attempt to
7 develop a manuscript. You're specifically
8 referring to develop and the manuscript at that
9 point.

10 A Okay. Robert Grossbart was, his expert
11 was going to be his cousin, okay, who, I think his
12 name is Jack Grossbart, I'm not positive on that,
13 and he was supposed to be some big guy, okay. So
14 in developing it would be what, what would be, I
15 was always going to write a manuscript, Grossbart
16 was more interested I think in the film idea of it
17 than he was in the manuscript idea of it, but he
18 was interested in both, but he thought the film
19 thing would be quicker and easier, especially with
20 what he perceived to be his contact with his
21 cousin. And so when you say develop, I mean --

1 Q Well, I didn't, you did.

2 A Right, but when you're asking me what
3 develop is, it's like, you know, all you have to do
4 is turn on the television and watch shows about
5 people making TV shows, I mean they have shows
6 about TV shows and they, you know, sit around a
7 table like this and talk about well, should the
8 character have blond hair, should the character
9 have black hair, whatever, that's developing. So
10 his conversations were development conversations.

11 Q Well, by that do you mean that he was
12 helping to develop the story that would be told or
13 the, or the facts that would be told or the
14 context, content rather?

15 A Well, we certainly had discussions about
16 it.

17 Q So you and Mr. Grossbart discussed what
18 would be the contents of the manuscript, the
19 contents of the narrative?

20 A Robert Grossbart and I clearly had
21 discussions about what the story was about and how

1 the story should be told, and how the story should
2 be told is things that I think he asked his cousin.

3 Q Okay. But the discussions you had with
4 Mr. Grossbart on what the story was and how the
5 story should be told, and again, that's what I'm
6 focusing on here, you, did you tell him what your
7 take on the story was?

8 A I think I did.

9 Q Okay. So you think you told Mr.
10 Grossbart what you remembered of what had happened?

11 A Well, I wouldn't say that, I would say
12 that we discussed the story, and I think that's
13 about as much as I want to say about that
14 particular conversation.

15 Q Well, I think you've started, I think
16 I'd like you to continue, sir. So you discussed,
17 you and he discussed what you wanted the story to
18 be or what you wanted it to say. What in
19 particular did you tell Mr. Grossbart you wanted
20 the story to say?

21 MR. SCHULMAN: I'm going to instruct you

1 to take the Fifth.

2 MR. RADDING: Howard, can I ask you the
3 basis, and again, I'll refer you to the local
4 discovery rules, the basis of the Fifth Amendment
5 advice in this context, especially with him now
6 having testified that he told Mr. Grossbart what he
7 wanted it to say, how this is incriminating, sir?

8 THE WITNESS: I didn't never say --

9 MR. SCHULMAN: Well, wait a minute. I'm
10 instructing him to take the Fifth because there is
11 a trial on December 10th, 2001. I don't know how
12 this will impact on him in that regard.

13 Anything --

14 (Pause in the proceedings.)

15 MR. SCHULMAN: And so I think it's
16 clearly appropriate for him to invoke his Fifth
17 Amendment and his attorney-client privilege in
18 terms of the details of the discussions.

19 MR. RADDING: Well, Howard, let me just
20 say, you just said the magic words, you don't know
21 how it will play into the trial on December 10th.

1 Yet my understanding of the Fifth Amendment, and

2 I've got an expert two seats to my right as well,

3 is that unless you have a justifiable apprehension

4 of prosecution based on that testimony, then you

5 can't invoke the Fifth. Now, the prosecution as I

6 understand it on December 10th, although I don't

7 recall seeing the charging document, my

8 understanding is it's something to do with gun

9 possession. I am asking only what he discussed

10 with Mr. Grossbart as him wanting to go into the

11 manuscript, the book, the tale, I am not asking

12 anything that has anything to do with the

13 prosecution on December 10th, so I don't frankly

14 understand the basis to the Fifth Amendment on my

15 question.

16 MR. SCHULMAN: Here is my problem, or my

17 concern, my Fifth Amendment concern. Mr. Hodgson

18 has already said that he has taken a copy of the

19 manuscript to the state police. The charging

20 documents reflect it was a factor in having

21 Mr. Bond charged. Ms. Griffin has had recent

1 contact with the prosecutor's office, as has had
2 Mr. Hodgson. Anything I would suspect as I do
3 understand, that the documents from the domestic
4 proceeding have been turned over, lock, stock and
5 barrel to the prosecution and has also been turned
6 over to the, perhaps the state police. And I think
7 that's the concern here. The concern is that
8 you're looking for evidence and ways to, to somehow
9 ensure that Mr. Bond is prosecuted. That's the
10 whole problem, and that's why he's going to assert
11 the Fifth Amendment privilege. This is not a
12 circumstance where he's in a position where he
13 hasn't been charged and there's some potential
14 concern that there might be.

15 MR. McDANIEL: The problem with that is
16 there's not a basis to assert the Fifth, that's the
17 problem.

18 MR. SCHULMAN: Well, I think, I think it
19 is.

20 MR. RADDING: Well, understand this, Mr.
21 Schulman. I'm sitting here not because of any

1 domestic case or any criminal charge against your
2 client on December 10th. I am sitting here because
3 you have sued my law firm, and I want an answer to
4 these questions because you have sued us in a
5 copyright action and I have a lot of questions
6 about whether this lawsuit has any factual basis.
7 I don't care what's happening on December 10th, I
8 care what's happening Tuesday, and I want to know
9 the basis, the factual basis of this lawsuit you
10 filed and I am entitled to ask your client, the
11 plaintiff in that suit, these questions. If you
12 want to hide behind, and I will use that phrase,
13 the privilege, which I think everybody in this room
14 recognizes is invalid in this context, just advise
15 him again to take it, but I will tell you, I think
16 this is inappropriate.

17 MR. MARTIN: There's one other factor,
18 Mr. Schulman. The only reason that we're having
19 this hearing before the criminal trial is because
20 you asked for it, you asked for the injunction, so
21 now you're hiding behind the privilege. So we're

1 all here trying to get information that is relevant
2 to this hearing that's coming up next Tuesday and
3 you're hiding behind the privilege keeping us from
4 getting the information. So in that context I
5 don't think your claim of privilege is valid.

6 MR. SCHULMAN: On that particular point
7 to the extent it gets construed against him, I
8 think that's going to be your argument on Tuesday,
9 unfortunately for Mr. Bond he's in a rather
10 precarious position, but that's the way the chips
11 will fall. He can answer generally as to what was
12 discussed with Mr. Grossbart, he can't get into the
13 specific communications, and those are my
14 instructions to him.

15 MR. RADDING: And you're also denying at
16 this point that the answers he's given already
17 waive the privilege?

18 MR. SCHULMAN: I'm not sure that you
19 waive a Fifth Amendment right in the same way you
20 might waive an attorney-client right, but, so I
21 don't, I don't agree with you.

1 MR. RADDING: So since you're unsure

2 you're just going to deny us this topic?

3 MR. SCHULMAN: No, I'm sure I'm doing

4 the appropriate thing, I'm one hundred percent sure

5 I'm doing the right thing.

6 Q What's your address, Mr. Bond? Your

7 residence address.

8 A Huh?

9 Q Your residence address.

10 A 4214 Greenway.

11 Q And do you rent, own, what?

12 A I own.

13 Q You own it?

14 A Uh-huh.

15 Q Is there a mortgage?

16 A Yes.

17 Q Who holds the mortgage?

18 A My wife and I.

19 Q Your wife and you hold the mortgage, you

20 pay yourselves the mortgage?

21 A Oh, oh. I'm not understanding.

1 NationsBank.

2 Q NationsBank. And how much of a mortgage
3 is there?

4 MR. SCHULMAN: I'm going to -- why don't
5 you step out and then maybe we can proffer what
6 this has to do with.

7 THE WITNESS: Great. Okay.

8 (Witness left the deposition room.)

9 MR. RADDING: I'm trying to get some
10 background.

11 MR. MARTIN: You can let him answer just
12 in the --

13 MR. RADDING: I'm asking background, Mr.
14 Schulman. I'm entitled to background. My lawsuit,
15 my law firm has been in a lawsuit for about ten
16 days. I haven't been in any domestic case or
17 anything of the like. I want to know some
18 background on this man, you have been invoking the
19 Fifth, there have been questions unanswered. I
20 think I'm entitled to get some basic historical
21 information. I have never seen that denied in a

1 deposition. If you want to create your own rules,
2 so be it. I'm going to ask the questions, so you
3 can bring him back. But I'm going to ask him his
4 historical and personal data.

5 MR. SCHULMAN: I'm just going to say,
6 I'm going to give you a little bit --

7 MR. RADDING: I don't want to debate
8 with you. I'm going to ask him the questions. I
9 don't think we need to debate. Why do you want to
10 debate?

11 MR. SCHULMAN: I don't want to debate
12 with you.

13 MR. RADDING: Good.

14 MR. SCHULMAN: But I do want to make a
15 statement for the record, if I could.

16 MR. RADDING: No, no, no, no, no, sir.
17 Let's, you know, you're going to instruct him not
18 to answer or to answer, that, you know, you'll do
19 what you're going to do. I don't want to waste our
20 time and the pages of this deposition. Are you
21 going to pay my, my rate for the pages, are you

1 going to reimburse me for the pages you waste?

2 MR. SCHULMAN: Could you read the
3 question back to me, please?

4 MR. RADDING: The question is how much
5 are they paying on the mortgage, how much the
6 mortgage is, and then the next question is going to
7 be what are they paying and then there are going to
8 be some follow-up questions about that, Mr.
9 Schulman. You don't have to waste her time, I can
10 tell you what the question is.

11 (Discussion held off the record.)

12 THE VIDEOGRAPHER: Still on.

13 (Witness entered deposition room.)

14 Q To save the rereading time I think the
15 last question was, and if it's not, it's a new
16 question, how much is your mortgage, what is your
17 total mortgage indebtedness?

18 MR. SCHULMAN: You know --

19 A I don't think I'm going to answer any
20 financial questions.

21 MR. SCHULMAN: Just step out. I would

1 like to try to get a protective order because I

2 think it's going beyond fair play.

3 MR. RADDING: What?

4 MR. MARTIN: Are you instructing him not

5 to answer, because you can't get your protective

6 order --

7 MR. SCHULMAN: No, no, no, no. I'm

8 going to try to, I'm going to try to --

9 MR. RADDING: Mr. Schulman, this is,

10 this is your ploy.

11 MR. SCHULMAN: Just step out. I'm --

12 (Witness left the deposition room.)

13 MR. RADDING: No. Are you instructing

14 him not to answer, Mr. Schulman?

15 MR. SCHULMAN: What I'd like to do is an

16 opportunity to try to --

17 MR. RADDING: All of a sudden when the

18 court has probably gone home you're all of a sudden

19 going to ask for a protective order, Mr. Schulman?

20 MR. SCHULMAN: I'm not --

21 MR. RADDING: Mr. Schulman, I have

1 questions, why don't you do your objections, you
2 know, if you are going to instruct him, Mr.
3 Schulman, which you have accused all the rest of us
4 of doing, though nobody I don't, to my knowledge
5 has done it, but if you are going to instruct him
6 not to answer, you're going to do it, you'll suffer
7 the consequences.

8 MR. SCHULMAN: Well, let me check the
9 local --

10 MR. RADDING: Go, go right to it, sir.

11 Do you want a copy of the local --

12 MR. MARTIN: Privilege is the only
13 reason.

14 MR. RADDING: Do you have a copy of
15 that? Do you want my copy of the local rules, sir?
16 I'll be happy to provide them to you.

17 (Pause in the proceedings.)

18 THE VIDEOGRAPHER: We'll stay on the
19 record?

20 MR. RADDING: Just stay on the record,
21 please.

1 (Pause in the proceedings.)

2 MR. SCHULMAN: Here's my problem, Mr.

3 Radding. Subparagraph D of guideline 5 states it

4 is presumptive, and this is the second sentence,

5 following the first sentence as I see it reads is

6 presumptively improper to instruct the witness not

7 to answer a question during the taking of a

8 deposition unless the circumstances permitted by

9 Federal Rule 30(d)(1) exists. However, it's also

10 presumptively improper to ask questions clearly

11 beyond the scope of discovery permitted by the

12 Federal Rules of Civil Procedure 26(b)(1),

13 particularly of a personal nature. Continuing to

14 do so after objection shall be evidence that the

15 deposition is being conducted in bad faith or in

16 such a manner as reasonably to annoy, embarrass or

17 impress it upon a party which is prohibited by

18 Federal Rules of Civil Procedure 30(d)(3).

19 Now, I'm willing to permit him to

20 respond to the question provided that all counsel

21 agree that the, this part of the deposition is to

1 be marked confidential and sealed pending a ruling
2 on the court after you've asked your questions
3 about whether the matter can be used in any other
4 proceeding, including the domestic proceeding,
5 because your firm wears two hats in this case, one,
6 you represent Mr. Blum as well as you represent Mr.
7 Slavin, and that's my concern, that you have, it
8 appears to me, violated the second part of a rule
9 that you quote. So if you're agreeable to sealing
10 the deposition on a temporary basis until we can
11 get a ruling, I'm letting him answer, all right,
12 subject to a discovery ruling on this by either
13 Judge Garvis or any other judge that we can take
14 this up with. In fact we don't even have to do it
15 until Tuesday with Judge Garvis or we can take it
16 to Magistrate Grimm (phonetic) or whoever is
17 available on Monday. So if you're agreeable to an
18 interim order of confidentiality, and all parties,
19 all persons in this room agree by that, you can
20 knock your socks off, but unless you do that I
21 think it's inappropriate for you to continue.

1 MR. RADDING: Well, that's nice, Mr.
2 Schulman, except 26(b)(1) allows me to ask any
3 question that is relevant to the case. It does not
4 bar me from personal data or anything else. You
5 have sued us, you're asking for damages, you're
6 asking for attorney's fees. I am entitled, and,
7 you know, you have hidden behind, you have had your
8 client hide behind the Fifth Amendment all
9 afternoon. I am entitled to try to determine
10 certain information on which I may base judgments
11 on damages, on the propriety of this lawsuit, on
12 the examination I want to conduct at trial. I am
13 not willing to agree that anything should be
14 sealed. I think the data I am asking and intend to
15 ask goes to admissible evidence, goes to evidence
16 that will be asked and will be admitted at the
17 trial and that I am entitled to know in perfecting
18 my case. So I'm not agreeing to sealing anything.
19 I'm not --

20 MR. SCHULMAN: All right.

21 MR. RADDING: Let me finish. I'm not

1 going to play your game. I'm asking the questions.

2 If you don't want him to answer the question, you

3 do what you feel you gotta do and you take the

4 consequences, or you let him answer the question.

5 The choice is yours, sir. But I'm not agreeing to

6 this other stuff, so get your client back in, do

7 what you're going to do, sir.

8 MR. SCHULMAN: Well, what I'd like to

9 do --

10 MR. RADDING: Do what you're going to

11 do, sir.

12 MR. SCHULMAN: I'm not going to instruct

13 him not to answer, but I would like a ruling --

14 MR. RADDING: Do what you're going to

15 do.

16 MR. SCHULMAN: I would like to adjourn

17 the deposition so that I can --

18 MR. RADDING: We're not adjourning this

19 deposition, we're here on 6 o'clock Friday, I do

20 not have time tomorrow, Sunday --

21 MS. GOLDMAN: Yeah, and I --

1 MR. RADDING: -- or Monday to do it and

2 in fact you're the one who invoked that discovery

3 ends tonight. I am not adjourning this deposition.

4 There is another deposition scheduled at 9 o'clock

5 tonight, sir, I'm not adjourning it.

6 MS. GOLDMAN: And I have some questions

7 I would like to ask when it's my turn.

8 MR. RADDING: So let's get going.

9 MR. SCHULMAN: I would like to try to

10 reach someone at the federal court.

11 MR. RADDING: Let's get going, sir.

12 MR. MARTIN: Howard, why don't you just

13 tell him to answer the questions if you are trying

14 to avoid the dilemma, and then if you think it's

15 improper then you can file your motion next week

16 and get Judge Garvis to rule on it, maybe he'll

17 seal it, maybe he won't. Or tell him not to answer

18 the question, it's your choice, but.

19 MR. SCHULMAN: Let me look at the Rule

20 26 first.

21 Mr. Radding, can you tell me how this

1 relates to the claim in the case?

2 MR. RADDING: It relates to potential

3 damages, it relates to the relationship he has with

4 his wife, it relates to assets, it relates, you

5 know, the federal rules of discovery are pretty

6 liberal as long as you're not going far afield.

7 I'm asking him questions -- he is suing my law

8 firm, sir, and both, I have the right to inquire

9 about him and his background. You're invoking the

10 Fifth over a large part of his background in this

11 case but I certainly have the right to some of his

12 background. I have the right to know who's suing

13 us.

14 MR. SCHULMAN: Okay. Well, can you tell

15 me how it relates to the claim that's being

16 asserted for injunctive relief on Tuesday and why

17 you would not be able to have an opportunity to

18 depose him later on on the very same issues that --

19 MR. RADDING: Sir, because I have no

20 doubt that there are going to be, that this case --

21 because I want to ask it tonight, sir, because I

1 don't want to have to waste another six hours,
2 seven hours, whatever it's going to be. I want to
3 ask it tonight. You started this, Mr. Schulman, we
4 didn't.

5 (Pause in the proceedings.)

6 MR. SCHULMAN: All right. This is what
7 I'm going to do. I'm going to permit him to
8 answer, but there will be a motion for protective
9 order in court at 8:30 on Monday morning. If you
10 use the information outside of this litigation I'm
11 going to suggest to you that we're going to seek an
12 order on Monday that would seal this record and
13 that I expect you as an officer of this court to
14 honor our opportunity to seek that and obtain that.
15 I would expect that if you use the, and I'm asking
16 you, I'm specifically asking you that you not use
17 the information directly or indirectly in the
18 domestic action which I suspect is what you really
19 want to do.

20 MR. RADDING: All right. Now, get this
21 straight, Mr. Schulman. I'm litigating a case

1 representing my firm. I am asking for discovery so
2 I can prepare for an expedited trial on Tuesday set
3 on your time limit. I'm not agreeing to a darn
4 thing. You want to file a motion, file a motion.
5 I'm representing my law firm that you have sued.
6 Don't put any constraints on me, fella, I am not
7 obligated under the rule to do that. I'm going to
8 use what I got in any way I have to for my case. I
9 don't speak for these other people in this room. I
10 am doing discovery on my case. Now, do what you
11 gotta do, fella, but let's get him back in here and
12 let's get this thing going. You have delayed, we
13 must have been 15 minutes while you read the rule,
14 you've delayed this for hours, you were a half an
15 hour late to the depositions today.

16 MR. SCHULMAN: You know why I was late.

17 MR. RADDING: You know, I know why --

18 no, I don't know why you were late, sir. I know I
19 got a call that you were going to be half an hour
20 late. You said it had to do with putting together
21 stuff, well, sir, maybe you should have done it

1 before the end, I don't care, all I know, I was
2 delayed, I was delayed a half an hour. I could be
3 half an hour ahead.

4 MR. SCHULMAN: Then I would expect true
5 to your word you'll use it purely for this case
6 until I can see --

7 MR. RADDING: Sir, I'm going to use it
8 for whatever I deem appropriate, okay, and so be
9 it, and I speak only for myself and this firm. I'm
10 using it for what I deem appropriate. You do what
11 you gotta do, and these other people have not asked
12 this question. So let's get your client back in
13 here.

14 MR. SCHULMAN: I think my comment is
15 directed to everybody in this room.

16 MR. RADDING: You know, who, when did
17 the president give you the robe, Mr. Schulman?
18 You've got no basis for doing that. Do you got any
19 rule there that says you can do that, sir? I don't
20 think so. I don't think so.

21 MR. SCHULMAN: I'm just trying to make a

1 record, Mr. Radding.

2 MR. RADDING: Well, Mr. Schulman --

3 MR. MARTIN: Can we get him in here?

4 You're wasting time.

5 MR. SCHULMAN: I want to make my

6 statement.

7 MR. RADDING: Sir, you made your

8 statement, you made your statement. How many more

9 statements do you have to make? You made your

10 statement.

11 MR. SCHULMAN: I would just like it

12 understood for the record that all parties and

13 persons in this room that I will seek an order

14 sealing the record, sealing this deposition first

15 thing on Monday morning and I would expect that

16 everybody honor that intent.

17 MR. RADDING: Mr. Schulman, I suggest

18 that you go back to your office when this thing is

19 over and get it filed tonight, because your

20 statement has absolutely no meaning. Now, why

21 don't you get your client in here. I know you

1 don't want to miss your football game tomorrow,
2 Mr. Schulman, but maybe you're going to have to.
3 So why don't we get the client in here, Mr.
4 Schulman? I'd hate to, you know, I'd hate to
5 interfere with your football game tomorrow, you
6 know, I had some plans for this evening with my
7 wife, okay, and I'm sitting here, and I had some
8 business meetings this afternoon and I'm sitting
9 here. So Mr. Schulman, I'm tired of your fiats.
10 Would you get your client in here so we can
11 continue? Can we tell how many minutes we've
12 wasted on this?

13 THE VIDEOGRAPHER: (Shaking head
14 indicating no.)

15 MR. RADDING: We can't tell at this
16 point? Can you please get your client in here,
17 sir? Would you please get your client in here, or
18 are you just going to sit here all night?

19 MR. SCHULMAN: When you're done talking
20 I'll go get the client. I want to hear what you
21 have to say.

1 MR. MARTIN: Go get him. Go get him,
2 please. Come on.

3 (Pause in the proceedings.)

4 BY MR. RADDING:

5 Q I believe you said NationsBank and Bank
6 of America hold your mortgage?

7 A Yeah, but I am not going to answer any
8 questions about my finances, I'm just not going to
9 do it, okay.

10 Q Who is on the mortgage?

11 A I'm not going to answer any questions on
12 that.

13 Q How much do you owe on the mortgage?

14 A I'm not going to answer any questions
15 about the mortgage or the finances.

16 Q How much is your monthly payment?

17 A I'm not going to answer it.

18 Q Well, whatever you are articulating can
19 you say loud enough for me to hear, sir?

20 A You can hear me.

21 Q No, I'm having real trouble hearing you.

1 A I'm not going to answer any financial
2 questions which you're going to try to use in the
3 divorce case, custody case, criminal case, whatever
4 it is.

5 Q Sir, I am involved in a case in federal
6 court.

7 A Right.

8 Q I personally do not -- well, I'm not
9 going to debate with you.

10 A Okay.

11 Q What is the source of funds of which,
12 with which you pay your mortgage?

13 A Again, I'm not going to discuss my
14 personal finances with you.

15 Q Okay, sir. I was a bit confused before
16 so I'm going to go back to some questions earlier.
17 Did you or did you not graduate from high school?

18 A I did.

19 Q You did graduate from high school?

20 A Uh-huh.

21 Q And you grad, I think you said you

1 graduated from high school when you were 18.

2 A Correct.

3 Q Okay. And what high school did you

4 graduate from?

5 A And I took the Fifth Amendment on that

6 once.

7 Q And I am going to look to your client,

8 that's what I thought I meant, I'm going to look to

9 your counsel and ask him, Mr. Schulman, in light of

10 the rules how can the name of the high school he

11 graduated possibly tend to incriminate him?

12 Mr. Schulman, I'm asking you that as an

13 officer of the court, and to consult with your

14 client on that privilege.

15 MR. SCHULMAN: I don't think I have to

16 answer your question.

17 MR. RADDING: Mr. Schulman, I am asking

18 you as an officer of the court to advise your

19 client that this is not an appropriate privilege.

20 You're staring at me, Mr. Schulman. Does that mean

21 you're not going to respond to my request? If you

1 can -- don't stare, just say you're not going to

2 respond.

3 MR. SCHULMAN: I'm not, I'm not even

4 looking at you.

5 MR. RADDING: Well, yeah, you were.

6 MR. SCHULMAN: I'm sorry, I can't --

7 MR. RADDING: I'm mistaken, factually

8 mistaken, you were looking at --

9 MR. SCHULMAN: I was actually staring

10 off into space --

11 MR. RADDING: You were looking at PSINet

12 Stadium. Are you going to so advise him or not?

13 MR. SCHULMAN: I'm not responding to

14 that.

15 MR. RADDING: You're not responding,

16 okay, Mr. Schulman.

17 MR. SCHULMAN: I have not, I'm not

18 instructing him not to answer.

19 MR. RADDING: The record will reflect,

20 the record will reflect that you were doing nothing

21 about that invocation of a privilege regarding high

1 school.

2 Q Did you go to school beyond high school,

3 Mr. Bond.

4 A Yes.

5 Q Where?

6 A Towson State.

7 Q Now, why is that not privileged and the

8 name of your high school privileged, sir?

9 A Why?

10 Q Uh-huh.

11 A Because where I went to high school will

12 be relevant in the criminal trial.

13 MR. SCHULMAN: Well, you don't have

14 to -- all right. Answer if you can. I don't know.

15 MR. RADDING: Well, I think he did.

16 Q And how will the fact of where you went

17 to high school be relevant in your criminal trial,

18 sir?

19 A I'll take the Fifth Amendment. And I

20 think that's the third time you've asked it, so can

21 we not ask it again, please?

1 Q Sir, I'll decide what I'm going to ask

2 and not ask.

3 A Okay.

4 Q Okay, sir?

5 A Okay.

6 Q Thank you. Now, sir, did you ever tell

7 anybody that you had made a study of other persons

8 who had written books about patricide?

9 A I'll take the Fifth Amendment.

10 Q Let me ask it a different way. Did you

11 ever make a study --

12 A I'll take the Fifth Amendment.

13 Q Would you let me finish my sentence,

14 sir? Thank you.

15 Did you ever make a study on persons

16 who, of persons who wrote books about patricide?

17 A I'll take the Fifth Amendment.

18 Q How would the fact of your making a

19 study tend to incriminate you, sir?

20 A I'll take the Fifth Amendment.

21 Q Are you employed?

1 A I'll take the Fifth Amendment.

2 Q How --

3 A I'm not answering any financial
4 questions, period.

5 Q I'm not asking financial questions.

6 A That's a financial question.

7 Q I'm asking if you're employed?

8 A I'm not answering it.

9 Q Where are you employed, sir?

10 A I'm not answering it.

11 Q And what is the basis of your not
12 answering it?

13 (No response.)

14 MR. RADDING: Mr. Schulman, would you
15 advise your client of the rules regarding whether
16 it is proper or improper to answer questions?

17 MR. SCHULMAN: I don't think that's my
18 role.

19 MR. RADDING: You don't think there's
20 such a rule?

21 MR. SCHULMAN: I don't think that's my

1 role.

2 MR. RADDING: You don't think -- you're
3 not his counsel?

4 You're not answering that question

5 either. Now you're staring at the table. Okay,

6 Mr. Schulman.

7 Q You know, you know who Paul Dorf is, do
8 you not?

9 A Me? Yeah.

10 Q Yes. When did you first meet Paul Dorf?

11 A When did I first meet Paul Dorf? At my
12 deposition.

13 Q You had never met him before?

14 A I had heard of him before.

15 Q That was not my question, sir.

16 A I do not believe I ever met him before.

17 Q To your knowledge did you ever speak
18 with him before that day?

19 A I do not believe so.

20 Q Did, what did Mr., what role did Mr.
21 Dorf play at your deposition, sir?

1 A An interrupting one.

2 Q An interrupting one?

3 A Correct.

4 Q And what does that mean, sir?

5 A Apparently only one person can speak at
6 a deposition in that particular scenario.

7 Q I still don't understand what you mean.

8 A I just answered to the best of my
9 ability.

10 Q What did he do?

11 A He interrupted Caroline Griffin.

12 Q He interrupted Caroline Griffin?

13 A Correct.

14 Q In what manner?

15 A I just told you, he interrupted.

16 Q No, you didn't. You said he interrupted
17 her. Tell me how he interrupted her.

18 A Apparently only one person can ask
19 questions and there were two people asking
20 questions.

21 Q Oh, he asked questions?

1 A Correct.

2 Q Did you answer the questions?

3 A I don't know which questions you're
4 referring to.

5 Q The ones he asked.

6 A I don't know.

7 Q Do you remember anything else about his
8 participation at the deposition?

9 A Only that he talked about the mayor and
10 that he was an advisor of the mayor.

11 Q That was during the deposition?

12 A I think it was during a break maybe.

13 Q When he was chatting with other people?

14 A Well, we were all sitting there.

15 Q But I'm talking about while the
16 deposition was ongoing, sir.

17 A Nobody was chatting while the deposition
18 was going on.

19 Q And how many times did he interrupt

20 Mrs. Griffin, Ms. Griffin, I'm sorry?

21 A I don't know, I couldn't tell you.

1 Q 10, 20, 50, 100, a thousand?

2 A I couldn't, I couldn't make a

3 guesstimate.

4 Q 1, 2? I'm not asking you to guess, I'm

5 asking you to remember, it wasn't that long ago.

6 A A lot has happened since then. Several

7 times. Okay? That's the best I can do.

8 Q More than five?

9 A I'm not going to give a specific number.

10 Q Are you armed today?

11 A Pardon?

12 Q Are you armed?

13 A I'm a little warm in here.

14 Q No, are you armed?

15 A Armed?

16 Q Yeah.

17 A That's a ridiculous question.

18 Q Well, maybe so. Are you armed?

19 A No.

20 Q There was, there were punitive

21 objections because Mr. McDaniel, I believe they

1 were because Mr. McDaniel used the term murder. If
2 the term patricide was used would you answer
3 questions about the death of your father?

4 A I would take the Fifth Amendment.

5 Q Were you prosecuted as a juvenile on
6 that case or treated as a juvenile on that case?

7 A I'll take the Fifth Amendment.

8 Q Mr. Schulman, how can you take the Fifth
9 Amendment on a closed, on a proceeding that's over?

10 MR. SCHULMAN: I'm sorry, what did you
11 say?

12 MR. RADDING: How can he take the Fifth
13 Amendment --

14 MR. SCHULMAN: I can't hear you, speak
15 up, please.

16 MR. RADDING: How can he take the Fifth
17 Amendment on a proceeding that is over, a
18 historical proceeding?

19 MR. SCHULMAN: It's not my role to
20 answer your question.

21 MR. RADDING: All right. And you're I

1 take it declining to advise your client to answer

2 the question?

3 MR. SCHULMAN: I don't have to respond

4 to that either.

5 Q Now, sir, there was an area of

6 questioning by Mr. McDaniel that was left off but I

7 feel we've got to go back to it, and that's the

8 area of oath, of oath. You filed an affidavit, you

9 have testified here today, but let me try to

10 ascertain some things about your testimony in those

11 contexts. Do you, do you recall taking an oath?

12 A Today?

13 Q Yes.

14 A Yes.

15 Q Why have you refused to state what you

16 believe the oath requires of you?

17 A I'll take the Fifth Amendment on that as

18 well.

19 Q What about your understanding of the

20 oath could possibly incriminate you, sir?

21 A I'll take the Fifth Amendment.

1 Q Is it that you have not told the truth

2 today, sir?

3 A I'm going to take the Fifth Amendment.

4 Q So I am asking you flat out if you have

5 told a lie today and you are taking the Fifth; is

6 that correct?

7 A Yes, and I already answered Mr.

8 McDaniel.

9 Q Well, that's Mr. McDaniel's questioning.

10 A And he got to go home.

11 Q Now, you -- we're not going to debate,

12 sir. You know, if you'd stop with the --

13 A I answered your question.

14 Q -- wisecracks we'll get out of here

15 earlier, okay? Did you lie here today, sir?

16 A I take the Fifth Amendment.

17 Q Now let's be very clear. I am asking

18 you if you have lied under oath today?

19 A I've answered the question.

20 MR. SCHULMAN: Let's just confer about

21 that question.

1 Q You're taking the Fifth?

2 MR. SCHULMAN: No, he's going to confer
3 with me.

4 THE VIDEOGRAPHER: Off the record at
5 6:34.

6 (Pause in the proceedings.)

7 THE VIDEOGRAPHER: 6:35 p.m. We're back
8 on the record.

9 A And the answer is I've answered
10 truthfully to the best of my knowledge.

11 Q Every question?

12 A To the best of my knowledge.

13 Q Every question?

14 A To the best of my knowledge.

15 Q You can't think of one question today in
16 the deposition today that your answer was not
17 truthful?

18 A I've already answered the question.

19 Q No, you haven't. Repeat the question,
20 please.

21 MR. RADDING: Repeat the question,

1 please.

2 (The reporter read the record as requested.)

3 A That's correct.

4 Q Have you ever lied under oath?

5 MR. SCHULMAN: Take the Fifth Amendment.

6 A I'll take the Fifth Amendment.

7 Q Why are you taking the Fifth Amendment

8 on that?

9 MR. SCHULMAN: Take the Fifth Amendment.

10 A I'll take the Fifth Amendment.

11 MR. RADDING: Well, Mr. Schulman, the

12 local guidelines allow me to inquire into it and

13 I'm going to.

14 Q Why are you taking the Fifth Amendment

15 about whether you ever lied under oath?

16 MR. SCHULMAN: Could you show me where

17 it says that?

18 MR. RADDING: No, you got the book, look

19 it up yourself.

20 MR. SCHULMAN: Take the Fifth Amendment.

21 A I take the Fifth Amendment.

1 Q Have you ever lied under oath in a court

2 proceeding, sir?

3 MR. SCHULMAN: Take the Fifth Amendment.

4 A I take the Fifth Amendment.

5 Q Have you ever lied under oath in a

6 proceeding on delinquency?

7 MR. SCHULMAN: Take the Fifth Amendment.

8 A I take the Fifth Amendment.

9 MR. RADDING: Mr. Schulman, since you

10 won't bother to look it up yourself, guideline

11 6(a)(2), after a claim of privilege has been

12 asserted the person seeking disclosure shall have

13 reasonable latitude during the deposition to

14 question the witness to establish other relevant

15 information concerning the assertion of privilege,

16 including the applicability of the particular

17 privilege being asserted, any circumstances which

18 may constitute an exception to the assertion of the

19 privilege, any circumstances which may result in

20 the privilege having been waived and any

21 circumstances that may overcome a claim of

1 qualified privilege. And just to finish the
2 paragraph, in accordance with Federal Rules of
3 Criminal Procedure, Civil Procedure rather,
4 26(b)(5), the party asserting the privilege in
5 providing the foregoing information shall not be
6 required to reveal the information which is itself
7 privileged or protected from disclosure. So I
8 believe, sir, that gives me the right to inquire.

9 Q Have you ever lied under oath in a
10 proceeding, sir?

11 MR. SCHULMAN: Take the Fifth.

12 A I'll take the Fifth Amendment.

13 Q So you have lied in a proceeding; is
14 that correct?

15 MR. SCHULMAN: Take the Fifth.

16 A I take the Fifth Amendment.

17 Q What proceeding have you lied in?

18 A I take the Fifth Amendment.

19 Q Well, if you have never lied in a
20 proceeding, sir, there's no reason to take the
21 Fifth, is there?

1 MR. SCHULMAN: Take the Fifth.

2 A I'll take the Fifth Amendment.

3 Q Can you testify truthfully that you have
4 never lied in a proceeding under oath, sir?

5 MR. SCHULMAN: Take the Fifth.

6 A I'll take the Fifth Amendment.

7 Q Can you testify under oath that you did
8 not lie in your affidavits that have been used in
9 this case, sir?

10 A Can you repeat the question?

11 Q Can you testify under oath that you have
12 not lied in any of your affidavits that have been
13 used in this case, sir?

14 MR. SCHULMAN: Let's talk about that.

15 MR. RADDING: Are you going to talk
16 about privilege, sir?

17 MR. SCHULMAN: Sure am.

18 MR. RADDING: Okay. Please keep it to
19 that.

20 MR. SCHULMAN: I follow the rules.

21 THE VIDEOGRAPHER: Off the record at

1 6:39.

2 (Pause in the proceedings.)

3 THE VIDEOGRAPHER: 6:40. We're back on
4 the record.

5 MR. RADDING: I think he asked for the
6 question to be repeated.

7 (The reporter read back as requested.)

8 A Yes.

9 Q Okay. So all your affidavits are
10 factually correct, sir?

11 A Yes, to the best of my knowledge.

12 Q Even when your affidavits contradict or
13 conflict with your testimony, they're both correct;
14 is that correct, sir?

15 MR. SCHULMAN: Objection.

16 Q You can answer.

17 A Yeah, they're both correct.

18 Q So even if the affidavit says one thing
19 and your testimony or a different affidavit says
20 something diametrically opposite, they're both
21 correct; is that correct, sir?

1 MR. SCHULMAN: Objection.

2 Q You can answer.

3 A Yes.

4 MR. MARTIN: Are you done?

5 MR. RADDING: Give me just a moment.

6 Q How much are you paying Mr. Schulman to
7 represent you in these proceedings?

8 MR. SCHULMAN: Objection.

9 Q You can answer.

10 MR. SCHULMAN: Well --

11 THE WITNESS: Isn't that attorney-client
12 privilege?

13 MR. RADDING: No.

14 MR. MARTIN: No.

15 THE WITNESS: Everybody knows.

16 MR. MARTIN: It's not.

17 THE WITNESS: Do I have to answer it?

18 MR. SCHULMAN: I'm not going to -- I
19 think that falls within the concerns I voiced

20 earlier. Why don't you step out of the room.

21 THE WITNESS: Okay.

1 (Witness left the deposition room.)

2 THE VIDEOGRAPHER: Off the record at
3 6:42 p.m.

4 MR. RADDING: Oh, no, please, keep this
5 on the record.

6 THE VIDEOGRAPHER: Fair enough. One
7 moment. I thought they were both leaving. One
8 moment. 6:43 p.m. We're back on the record.

9 MR. RADDING: Mr. Schulman.

10 MR. SCHULMAN: Actually I think you're
11 entitled to know that, I have just reconsidered my
12 position. I thought at first, my first reaction
13 was that it fell within the areas which I thought
14 were beyond claims and abusive before, but there is
15 a claim for attorney's fees, at least presently.
16 There may not be when the dust settles, but it
17 seems to me you're entitled to ask him that.

18 MR. RADDING: So get him back.

19 MR. SCHULMAN: Oh, I'm sorry.

20 THE VIDEOGRAPHER: Still rolling. We're
21 still on the record.

1 MR. SCHULMAN: Mr. Bond, go ahead and
2 answer.

3 A Okay. Is it on?

4 THE VIDEOGRAPHER: Yes, we're on the
5 record.

6 A Oh. I think so far I've paid him
7 between 20 and 25 thousand dollars.

8 Q And that's purely for representation in
9 this federal proceeding, I'm sorry, regarding
10 copyright?

11 A Correct.

12 Q Okay. And when you say you have paid
13 him, have these payments come out of your funds?

14 A Yes.

15 Q And where did you obtain those funds?

16 A I told you I wasn't going to answer any
17 financial questions.

18 Q Well, I believe there's a claim for
19 attorney's fees and I believe we're entitled to
20 this information. Mr. Schulman, for the same
21 reasons I believe --

1 A I've already told you I'm not going to

2 give --

3 MR. SCHULMAN: I'm just going to

4 reiterate, I think that goes beyond what I had

5 stated when we were out of the room.

6 Q Mr. Bond, has somebody else paid these

7 payments on your behalf?

8 A No.

9 Q Has any member of your family made these

10 payments?

11 A No.

12 Q Has anybody in your family or otherwise

13 given you the money to make these payments to Mr.

14 Schulman?

15 A I already said no.

16 Q Well, you didn't because it was a

17 different question.

18 A Same question.

19 Q Well, I'm asking it again. Did your

20 mother give you the money to pay Mr. Schulman?

21 A No.

1 Q Did your brother give you the money to

2 pay Mr. Schulman?

3 A No.

4 Q Did your wife give you the money to pay

5 Mr. Schulman?

6 A No.

7 Q Did anybody else give you the money to

8 pay Mr. Schulman?

9 A No.

10 Q You say you've paid him between 20 and

11 25 thousand dollars, is there any more money that,

12 any more fee that has been accrued since the

13 payment of the 20 or 25 thousand?

14 A I would think so.

15 Q Now, when is, when did you pay him the

16 20 or 25 thousand dollars?

17 A Let's --

18 MR. SCHULMAN: I think this gets well

19 beyond what I had stated, but I'm not going to tell

20 him not to answer. I'm objecting --

21 MR. RADDING: I think you just did.

1 MR. SCHULMAN: No, no, he's going to
2 answer.

3 MR. RADDING: Oh, okay.

4 MR. SCHULMAN: But I think this gets
5 well beyond what you would be entitled to learn
6 under any fee shifting arrangement.

7 MR. RADDING: Huh?

8 Q Mr. Bond, how much do you think you
9 owe -- when did you pay the 20 to 25?

10 A I haven't paid November's bill yet
11 because I haven't gotten it, so --

12 Q All right. So what you're saying is you
13 paid through October?

14 A Correct.

15 Q And through October you had paid 20 to
16 25 thousand dollars?

17 A Yeah, but part of that money is a 5
18 thousand dollar retainer, so in theory some of it
19 could come back some day.

20 Q Oh, that's the retainer that's being
21 held until the end of the case?

1 A Yes, sir.

2 Q And you are on an hourly fee

3 arrangement?

4 A Yes.

5 Q And what hourly fee are you paying?

6 A Well, I'm embarrassed to tell you I

7 don't know.

8 Q You don't know?

9 A I've never really looked at it that

10 closely.

11 Q So you don't know how much you're paying

12 Mr. Schulman per hour?

13 A It's quite high.

14 Q 500?

15 A No, it's not.

16 Q 400?

17 A It's not 400.

18 Q 300?

19 A I think it's between 250 and 400,

20 somewhere in that range.

21 Q That's a pretty broad range. Why are

1 you coming up with those numbers?

2 A Well, because I don't want you to come

3 back and say I lied about the number.

4 Q I'm just asking about the number.

5 A Off the top of my head 350 sounds right

6 but I don't want you to hold it to me, okay.

7 Q And where are you getting these, the

8 funds to pay Mr. Schulman, sir?

9 A Okay, I've already said I'm not going to

10 discuss my finances with you.

11 Q Oh. You said Mrs. Pessin hates you, or

12 words to that effect.

13 A I think Mr. McDaniel said that.

14 Q Well, then I'm asking you, do you

15 believe Mrs. Pessin hates you?

16 A I would think that she would.

17 Q And why would she?

18 A Why would Mrs. Pessin hate me? I can't

19 speak for Mrs. Pessin.

20 Q Well, you just said you think she hates

21 you. I'm asking you why you think that, sir.

1 A Well, in reading Mr. Hodgkin's report --

2 Q Hodgson?

3 A How do you say it?

4 Q Hodgson.

5 A Hodg --

6 Q Son.

7 A Son.

8 Q Yes.

9 A Hodgson.

10 MR. SCHULMAN: Hodgson.

11 MR. MARTIN: Just answer the questions.

12 Jesus.

13 Q From reading Mr. Hodgson's what?

14 A Report on Miriam Pessin she didn't say

15 very complimentary things.

16 Q So you think because of that she hates

17 you?

18 A Yeah, that's my whole reason.

19 Q That's your whole reason. Okay.

20 Anybody else hate you?

21 A I think I was asked that question before

1 and I took the Fifth Amendment on it.

2 Q Yeah, and I don't understand your --

3 A So I'll take the Fifth Amendment again.

4 Q You know, just because you took it

5 before doesn't make it right.

6 A Okay.

7 Q What is your basis for taking the Fifth

8 about people who hate you, sir?

9 A It could be used in my criminal trial.

10 Q People who hate you could be used in

11 your criminal trial?

12 A Correct.

13 Q Could you explain that to me how that

14 could be --

15 A No, I'm not going to explain it to you.

16 Q Well, do people hate you because of

17 something you did that is taking place in your

18 criminal trial?

19 A Oh, God. I've already said I'm not

20 going to answer that question.

21 Q What is your basis for not answering

1 that, sir?

2 A Because I've already said I've taken the

3 Fifth on it, so any question related to it I'm

4 taking the Fifth on. So I'll take the Fifth on

5 your question.

6 Q Well, what, how could that incriminate

7 you, sir?

8 A I'm not going to develop information for

9 the criminal trial.

10 Q Well, do you think a lot of people in

11 the world hate you, sir?

12 A I'll take the Fifth Amendment on that.

13 Q I mean are there thousands of people

14 that hate you?

15 A I'll take the Fifth Amendment.

16 Q Are there millions of people that hate

17 you?

18 A I'll take the Fifth Amendment on that.

19 Q Is that funny?

20 A Yes, you're humoring me.

21 Q I'm humoring you?

1 A Yes.

2 Q Okay. Well, I'm glad you're finding

3 this thing so entertaining, sir.

4 A Uh-huh.

5 Q Does Helena Burch (phonetic) hate you?

6 A Who?

7 Q Do you know a person named Helena Burch?

8 A I don't know any such person.

9 Q Do the people who brought the criminal

10 charges, is the Attorney General of the state of

11 Maryland hate you, does the Attorney General of the

12 state of Maryland hate you?

13 A I'm going to take the Fifth Amendment.

14 Q Does the state police hate you?

15 A I take the Fifth Amendment.

16 MR. RADDING: Anything else, guys?

17 (Pause in the proceedings.)

18 MR. RADDING: Well, Mr., Mr. Bond has

19 not answered a slew of questions that I think

20 should be answered, I think it has been

21 inappropriate. I am ending my questioning of him

1 tonight to give other people a chance and so we can
2 go home at a reasonable time, but I don't think I
3 am telling you that I am done with him because I'm
4 not.

5 MS. GOLDMAN: Can I have the mic,
6 please?

7 MR. RADDING: Yes, you may have the mic
8 and the M&Ms and the chips.

9 MS. GOLDMAN: Thank you.

10 MR. SCHULMAN: I'm going to excuse
11 myself for a minute, if I can, please. I'll be
12 right back.

13 THE VIDEOGRAPHER: Off the record at
14 6:51 p.m.

15 (Brief recess.)

16 THE VIDEOGRAPHER: 6:54 p.m. We're back
17 on the record.

18 EXAMINATION BY MS. GOLDMAN:

19 Q Mr. Bond, I have a couple of questions
20 about your discussions with Mr. Grossbart. If I
21 understand your testimony correctly, you testified

1 that Mr. Grossbart helped you with regard to how to

2 tell your story. Is that correct?

3 A I think discussed would be a better

4 word.

5 Q So you had discussions with him about

6 how the story should be told; is that correct?

7 A I wouldn't even say should, I would use

8 the word could.

9 Q How it could be told?

10 A Correct.

11 Q Did Mr. Grossbart make suggestions to

12 you about how you could tell your story?

13 A Whatever discussions with Robert were, I

14 think really he would have been more repeating what

15 information he might have gotten from his cousin or

16 from this guy Mike Sager or something. I'm not so

17 sure Robert had like, you know, his own opinions on

18 it.

19 Q And did you take any notes with any

20 meetings with Mr. Grossbart --

21 A No.

1 Q -- concerning the telling of your story?

2 A No.

3 Q And did you take any notes after any
4 meetings with Mr. Grossbart?

5 A No.

6 Q And based on what Mr. Grossbart told
7 you, which would have been a parroting of things he
8 heard from others, is that a fair assessment?

9 A Well, I don't know if I would use the
10 word parroting, but, you know, I think it would be
11 mostly what his cousin would have said or this
12 other gentleman would have said, but he might have
13 had his own, you know, thoughts on it too.

14 Q So --

15 A I mean he wasn't without thoughts, but I
16 would hardly call him, you know, a gigantic
17 creative director either, okay.

18 Q Okay. Okay. But so he did have some
19 creative thoughts though, they just weren't
20 gigantic?

21 A Yeah, he, I'm not claiming that he was,

1 you know, intensely involved over a long period of
2 time like Norman Pessin was, he was involved really
3 very briefly, you know, it wasn't a very long
4 thing. Because his thing with the cousin didn't
5 work out and then he helped me get to the Mike
6 Sager guy and, you know, so for whatever period of
7 time that happened, say maybe a year, you know,
8 that was it, then there wasn't anything afterwards.

9 Q But in that time period that he was
10 involved there was some minimal amount of creative
11 effort on his part with regard to your story?

12 A Yeah, there was some creative effort.

13 Q And did you start writing the manuscript
14 during the time that you were having these
15 discussions with Mr. Grossbart?

16 A Well, no, this is the, this is one of
17 the things that we've discussed here today. I
18 think, I think actually when he and I began the
19 discussions, the short stories were finished, but I
20 don't think much if any of the manuscript was
21 started in paper form, I mean it was in a

1 discussion form, but I don't think, you know, but
2 then it led to it, it led to a paper form because I
3 know that I gave one of the people that he referred
4 me to, the Mike Sager guy, paper form, but I, that
5 was afterwards.

6 Q And did the, when you started creating
7 this paper form did you incorporate any of
8 Grossbart's creative suggestions?

9 A Well, I don't, I don't think that any of
10 his, I mean there was nothing that happened with
11 Robert Grossbart that was any different than
12 probably what anybody else had to say, so I don't
13 think there was any revelation, you know, whatever
14 he provided wasn't any revelation from anybody
15 else.

16 Q And what kind of creative suggestions
17 did he provide?

18 A Well, I really, I can't really remember
19 because it was, it was very general in regards to
20 the point of view of the story and, you know, how
21 embellished it would be, et cetera. Now, he was

1 more, he was more interested in trying to place it

2 than he was in creating it.

3 Q Did you review with Mr. Grossbart any of

4 the story line that you ultimately developed and

5 reduced to writing?

6 A I don't think so because I believe he

7 was out of it by that time.

8 Q Did you ever see any written notes or

9 materials that were created by Mr. Grossbart with

10 respect to your manuscript?

11 A No.

12 Q Okay. You testified that you believe

13 that Mrs. Pessin hates you based on the content of

14 Mr. Hodgson's report. Did there come a time when

15 you had an altercation with Mrs. Pessin?

16 A An altercation?

17 Q Did you ever raise your voice at her?

18 A Did I raise my voice at Mrs. Pessin?

19 No.

20 Q Did you ever display any anger towards

21 Mrs. Pessin?

1 A No.

2 Q Okay. Were you ever angry that you were
3 not included in Mr. Pessin's will?

4 A No.

5 Q Did you ever have any expectation of
6 being included in Mr. Pessin's will?

7 A No.

8 Q I noticed in some of the documentation
9 that has been attached to your affidavit that at
10 some point you used an address of 1501 Guilford
11 Avenue; is that correct?

12 A Uh-huh.

13 Q And is that a business address or a home
14 address?

15 A It was first one then the other.

16 Q And what business did you conduct at
17 1501 Guilford Avenue?

18 A Well, I'm going to have to take the
19 Fifth on that because it's going to come into the
20 criminal trial.

21 Q And when was it a business address, 1501

1 Guilford Avenue, what time frame?

2 A I think I'm still going to take the

3 Fifth on that, if you don't mind.

4 Q When did it cease to become a business

5 address and start to become a residence?

6 A It never reverted back.

7 Q Was it first a residence and then a

8 business?

9 A Yes.

10 Q And when did you first start residing in

11 1501 Guilford Avenue?

12 A In 1988.

13 Q And --

14 A I believe '88, I believe.

15 Q Pardon?

16 A I said I believe, it could have been a

17 little earlier but I'm not positive.

18 Q And when did you cease residing at 1501

19 Guilford Avenue?

20 A In the early '90s.

21 Q And that's when it became a business

1 address?

2 A Correct.

3 Q And was there any time when the address

4 1501 Guilford Avenue was both residence and

5 business?

6 A I don't know. I don't know.

7 Q Did you own 1501 Guilford Avenue?

8 A No.

9 Q You were a renter at 1501 Guilford

10 Avenue?

11 A Correct.

12 Q And do you recall who your landlord was?

13 A It was called C&H Realty.

14 Q And when you resided at 1501 Guilford

15 Avenue did you reside there alone?

16 A Mostly.

17 Q And there were times when you were not

18 residing there alone?

19 A Correct.

20 Q And with whom did you live when you were

21 not alone?

1 A Well, I'm going to take the Fifth on

2 that also.

3 Q Okay. At the time that 1501 Guilford

4 Avenue became a business address was anyone living

5 there?

6 A I don't understand the question.

7 Q When it became your business address was

8 there any person other than you living there at

9 that time?

10 A I'm going to take the Fifth on the rest

11 of the 1501 questions because I believe it will

12 come up at trial.

13 Q Uh-huh. And when did 1501 cease to be a

14 business address for you?

15 A I already said I take the Fifth on that.

16 Q Okay.

17 MS. GOLDMAN: Okay. Those are all the

18 questions I have.

19 REEXAMINATION BY MR. MARTIN:

20

21 Q One question based on what Ms. Goldman

1 said. Your landlord at 1501 was C&H Realty; is

2 that right?

3 A Correct.

4 Q Who owns C&H Realty?

5 A I'm going to take the Fifth on

6 everything else with that.

7 Q Did you ever work for C&H Realty?

8 A I'm going to take the Fifth on that.

9 MR. MARTIN: No further questions.

10 THE WITNESS: Okay.

11 MR. SCHULMAN: Are we done?

12 MR. MARTIN: Oh, no, we're just

13 starting, trust me.

14 MR. SCHULMAN: All right. Let me just

15 start, let's just say one thing for the record. I

16 noticed one thing about the exhibit which was

17 marked as Exhibit 4. It appears to have, I don't

18 think it affects any of the testimony or --

19 MR. MARTIN: Exhibit 4 in what, in this

20 deposition?

21 MR. SCHULMAN: Well, it's Exhibit 4 in

1 this morning's deposition, Mr. Grossbart's

2 deposition.

3 MR. MARTIN: Yeah, it's your affidavit.

4 MR. SCHULMAN: Yeah, but it appears it

5 may have some documents on it that were attached to

6 Mrs. Bond's affidavit, and that, but --

7 MR. MARTIN: I can't speak to that.

8 MR. SCHULMAN: I'm just saying that for

9 the record because I just noticed it. It starts

10 with the May 14th, 1997 fax, but, I just wanted to

11 state that.

12 THE VIDEOGRAPHER: Shall I conclude the

13 videotape?

14 MR. MARTIN: Uh-huh.

15 MR. SCHULMAN: Yes.

16 THE VIDEOGRAPHER: This deposition is

17 concluded November 16th, 2001 at approximately 7:05

18 p.m.

19 MR. SCHULMAN: And we're going to read

20 and sign.

21 MR. MARTIN: Actually this portion of

1 his deposition is concluded. He may have more.

2 THE VIDEOGRAPHER: Hold on. Fair

3 enough. We're were back on at 7:05. This

4 concludes today's portion of the deposition.

5 We're off the record at 7:06.

6 (Videotape deposition suspended at 7:06 p.m.)

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1 CERTIFICATE OF DEPONENT

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7 I hereby certify that I have read and
8 examined the foregoing transcript, and the same is
9 a true and accurate record of the testimony given
10 by me.

11 Any additions or corrections that I feel
12 are necessary, I will attach on a separate piece of
13 paper to the original transcript.

14

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William C. Bond

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1 STATE OF MARYLAND, COUNTY OF CARROLL:

2 I, Sharon A. Beaty, a Notary Public in and
3 for the State of Maryland, County of Carroll, do
4 hereby certify the within named WILLIAM C. BOND
5 personally appeared before me at the time and place
6 herein set out and, after having been duly sworn by
7 me according to law, was interrogated by counsel.

8 I further certify that the examination was
9 recorded stenographically by me and then
10 transcribed from my stenographic notes to the
11 within typewritten matter in a true and accurate
12 manner. I further certify that the stipulations
13 contained herein were entered into by counsel in my
14 presence. I further certify that I am not of
15 counsel to any of the parties, nor an employee of
16 counsel, nor related to any of the parties, nor in
17 any way interested in the outcome of this action.

18 AS WITNESS my hand and notarial seal this
16th day of November, 2001, at Baltimore, Maryland.

19

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Sharon A. Beaty, Notary Public

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